HOUSE OF REPRESENTATIVES

Monday, November 15, 1999

The House met at 10.30 a.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from three Members who have asked to be excused from today's sitting: the Member for Couva North, the Member for Naparima and the Member for Arouca South. The leave of absence which they seek is granted.

LAND ADJUDICATION (NO. 2) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to provide for the adjudication of rights and interests in land and for purposes connected therewith or incidental thereto, be now read a second time.

Mr. Speaker, in moving the second reading of this Bill, I seek the leave of the House to debate together the other two Bills before this House which relate to this subject of debate. They are the Land Tribunal (No. 2) Bill, and the Registration of Titles to Land (No. 2) Bill.

Mr. Speaker: Hon. Members, I take that it is the wish of the House that these Bills be taken at the same time.

Assent indicated.

Mr. Speaker: There is no objection to it.

Hon. R. L. Maharaj: Mr. Speaker, a jurist once said that the things that are dear to a man are his life and limb, his right to property, his right to conjugal affection and his right to fame/reputation. The order of priority may vary from individual to individual, but the importance is that the right to property is also very dear to man.

Recognizing this, many jurisdictions, like Trinidad and Tobago, have enshrined in their Constitution, the right, subject to law, to the enjoyment of

property. In law, one enjoys one's property if one can deal with one's property in any way one likes. A person should be able to sell, develop, mortgage, lease and, above all, exclude everyone else from the use of his property. These are some of the attributes of ownership and enjoyment of property.

But then, the "right to property", for the majority of our people, are mere words in our Constitution, since many themselves do not know the extent of their interest in land, and a person must first know his or her interest in property before the person could think of using it in the way he or she likes. A person may think that he owns a piece of land but he may not be able to raise a loan from the bank or from any borrower to start a small business, or to put up a house, since he does not have a deed or a paper title to the land.

Even if he has a deed and he cannot show that he has title to the land, that deed is useless and his possession of the land does not give him the full rights of what he claims to be the owner. He may have to produce a chain of deeds to establish his title to a property. Extensive search in the Registrar General's Department may have to be undertaken to ascertain the nature of his interest in land and this can be very expensive and often frustrating.

When people are not sure of their interest in land, they are hesitant to develop land; they would hesitate to improve the land and, as I said, banks and financial institutions and persons who are lenders would not advance money in respect of a loan in order to have those lands mortgaged.

Mr. Speaker, this Bill, therefore, is one of the three Bills that seek to address these problems. There are two systems of recording interest in land in Trinidad and Tobago, a title registration system under the Real Property Ordinance, Chap. 27:11, and the other is a common law system of deed registration governed by three Acts—the Registrar General Act, Chap. 19:03; the Registration of Deeds Act, Chap. 19:06 and the Tobago Deeds Act, Chap. 19:07.

Under the first system, that is, the Real Property Ordinance, the state certifies and guarantees the interest shown on the certificate of title on the title record. So that if one has that certificate of title, that is, on the face of it, evidence of ownership of the land. Under the common law system, however, there is no requirement in law to register a deed in order to make it a valid deed. What is required is that they are requested to maintain priority, therefore, if a deed is registered, it would take priority over an unregistered one.

So that under the Registration of Deeds Act, in respect of the common law system, if one has a deed showing that he is an owner, the bank would not accept

that. What would happen is there would have to be a search going back at least 30 years in order to show that from the root of title, this person has a good title. That can be very time-consuming and very expensive and, sometimes, there are conflicts as to who are the owners.

What we are trying to introduce by these Bills is a system by which investigation of title would not be necessary because everyone who has an interest in any land would have a certificate of title issued by the state.

Mr. Speaker, some of the jurisdictions in the world have introduced this system of registering titles. For instance, I understand that the following countries, among others, have introduced similar legislation: Sudan, Australia, Kenya, Turks and Caicos, Malawi, Antigua, the British Virgin Islands, Guyana, Solomon Island, St. Lucia and Belize.

The Bills to implement the recommendations contained in what is known as the Wisconsin Report, were laid in this House on March 26, 1999, but because of the pressure of parliamentary business, they were not debated and they lapsed. The three Bills: the Land Adjudication Bill, the Registration of Titles to Land Bill and the Land Tribunal Bill, form a package of legislation intended to implement the recommendations contained in that report.

May I say that when the Bills were presented to Parliament on the previous occasion, I stated that they would be made available to the public so that the public could comment upon them. We have received comments from the public and the Bills which are before the House take into consideration those comments.

May I say—and I say this, not in any way to criticize the Opposition—that we have not received any comments from the Opposition, but I can understand it, because the Opposition, in government, had agreed in principle in respect of these measures.

Mr. Manning: We have a voice here. That is why. We have a voice here.

Hon. R. L. Maharaj: Mr. Speaker, as far as I am aware, the Bills have been flavoured with the comments of the public, but the policy of the Bills has not changed.

The history of these Bills, therefore, began in 1991, when, upon the request of the then government of Trinidad and Tobago and with the assistance of the Inter-American Development Bank, the Land Tenure Center at the University of Wisconsin, Madison, led a team to carry out, on behalf of the Government of Trinidad and Tobago, land studies in Trinidad and Tobago in order to have the

laws and the system on a rationalized basis. These studies were carried out over a 10-month period and a report entitled "Land Rationalization and Development Programme" was prepared, and the report was submitted to government in 1992. The report was accepted by the then Cabinet and this is, in effect, implementation of that report.

But before I go to 1991, I think I should let hon. Members know earlier history of this matter. It was recognized even before 1978 that there was need for reform of land laws in Trinidad and Tobago and the Law Commission, in 1978, undertook a programme of reform aimed at modernizing the land laws with the result that in 1981, seven pieces of legislation dealing with land law were enacted. They included the Landlord and Tenant Act; the Land Law and Conveyancing Act; the Trustee Act; the Condominium Act; the Land Registration Act; the Succession Act and the Limitation Act. Those pieces of legislation were never proclaimed and may I say that the 1981 package was based largely on the 1925 English property legislation known as the Law of Property Act of 1925; the Settled Land Act of 1925; the Administration of Estates Act of 1925; the Land Registration Act of 1925; the Land Charges Act of 1925; the Trustee Act of 1925 and the Law of Property (Amdt.) Act of 1926. So, in 1978, the Law Commission took these laws and drafted laws based on the English system.

Mr. Speaker, the report in 1992, reviewed the 1981 land law package and recommended that the seven Acts which were meant to replace some 20 principal enactments which governed property, dealings and inheritance, should not be proclaimed. The report was critical of many of the reforms contained in the 1981 land law package, particularly those which could have been introduced by the Land Law and Conveyancing Act on the grounds that the problem which existed in England to give rise to the 1925 property law, did not exist in Trinidad and Tobago.

It was suggested in the report that the system in use had proved to be simple, straightforward and well suited to local conditions. It made the point that legal practitioners are familiar with the system and that attempts to introduce a new system which abandoned the basic principles of the existing system and adopts whole scale, new principles, completely unknown to practitioners in which they have neither training nor experience, was likely to result in confusion and to give rise to a mass of litigation with which the overburdened court system was not equipped to deal.

Additionally, the report pointed to the fact that for a period of more than 60 years, the English 1925 property law reforms have not been widely adopted in

countries, the legal systems of which were based on the English common law. It also suggested that the conditions necessitating those reforms in England were peculiar to that country. What the report did recommend was the development of adequate prescribed forms—deeds, leases, mortgages—for the simplification of conveyancing and land transactions.

The report identified the major source of the problems affecting the operations of the system of land law in Trinidad and Tobago as the recording and retrieval of information concerning land transactions.

10.45 a.m.

The Wisconsin Report indicated that the existing system of storage of information established since the early 1900s, although adequate at its conception, could no longer meet the demands placed on it. It was noted that there had been no significant improvements over time, and the Registrar General's Department was not supplied with the necessary resources to meet the growing demands on the system. Also, the modes of retrieving the stored information are still limited to the approaches which we established when the system was put in place.

Upon registration, original deeds are bound in large volumes. These are heavy and difficult to work with. When a volume is in use, that volume and the records it contains are unavailable to the staff of the Registrar General's Department and to search clerks who are engaged in tracing the titles to properties. The method of storage of land records and the means of the retrieval of those records make the process of searching titles inefficient, slow and unreliable. The current land registration system is not user-friendly and it occasions delays which have the effect of increasing the cost involved in property transactions.

In place of the 1981 reform package, the Inter-American Development Bank Report recommended the introduction of a new land registration system and legislation to govern land adjudication to establish a land tribunal. Additionally, Mr. Speaker, the report recommended that there should be the necessary infrastructure to give effect to the legislation.

I intended to quote larger parts of the report, but because of time, I will not do that. Depending upon the time I have, I will quote from page 3-14 of the Report which says:

> "The security with which people hold rights to land has profound influence for the agricultural and urban sectors of the society. The formal documentation of rights to land which derives from the possession of a legally valid deed or

lease is an important determinant of this tenure security. Improving this formal, legal security of tenure can contribute to the development of the country in several ways:

a. Permit greater access to credit, by providing the holders of land with the ability to offer the land as security to lending institutions.

b. Encourage land holders to invest their capital and labor in their properties, since they will have greater likelihood of benefiting in the future from the investments they make.

c. Encourage a more active land market to facilitate access to land by those who want to make investments, which will also reduce the pressures on fragile environments.

These potential advantages of formal, legal security of tenure for encouraging development investments are important both for the agricultural as well as the urban sectors of the society. ”

Since 1991, this is what the IDB and the Wisconsin Report were saying. At page 2-3, it says:

“However, the inadequacies of agencies charged with managing property information must also be corrected, or else the investments in legalization will not provide a long-term solution of tenure insecurity. Therefore, the second project for the upgrading of the property information management structure is also proposed, the Property Information Management Systems (PIMS) Project.”

Mr. Speaker, as I said, the report was accepted in principle and the Government drew down on the loan. The loan was to be made in three tranches: $30 million, $25 million and $25 million. The Government accessed the first tranche upon the signing of the loan agreement in 1993, but it would appear that apart from accepting the moneys, that administration did not do anything else in order to implement the report. When this Government took office, a team was appointed, headed by the Chairman of the Law Commission, to take steps to draft the necessary legal framework, and there was also a team appointed by the Ministry of Legal Affairs to put in the necessary infrastructure to give support to the legislation.

It is important to bear in mind that with respect to these three Bills, one would see how they are interrelated. There is the Land Adjudication (No. 2) Bill which will, in effect, provide the system for trying to get the land records or the land

surveyed and the title and boundaries sorted out. There is also the Land Tribunal (No. 2) Bill which will, in effect, provide the mechanisms for adjudicating upon matters bearing in mind that people can still go to the courts if there is dissatisfaction. Then, there is the Registration of Titles to Land (No. 2) Bill which will, in effect, be to provide the avenue for people to search titles and the recording system.

Mr. Speaker, the purpose of the Land Adjudication (No. 2) Bill is to establish a system in which specialized officers working on behalf of the state would be entrusted with the responsibility to ensure that any claim made by an individual for rights or interest in land will be thoroughly investigated before settling such rights and interest in land in Trinidad and Tobago.

Under the proposed system, the Minister would, by order, declare an area to be an adjudication area. Thereafter, persons having title to land would be entitled to make their claim and demarcate their boundaries. Certificates of title would be issued to a claimant if all the investigations at various levels indicate that such a person is the true owner of the parcel of land.

Mr. Speaker, the Bill is divided into five parts and contains 28 clauses. Part I deals with preliminary matters. Clause 1 gives the title to the Bill and provides for commencement. At this stage, may I mention that it is the intention to bring these three Bills into operation on the same day.

Clause 2 defines certain expressions used in the Bill.

Clause 3 describes when the adjudication process begins. Adjudication commences when the Minister declares an area to be an adjudication area. It would be ideal to extend the process of adjudication of titles to land to the entire country at the same time, but financial and human resource constraints would not permit this. Therefore, adjudication would have to be implemented area by area. This clause also provides that the adjudication officer is not empowered to vary any interest in land registered under the Real Property Ordinance. In fact, persons whose titles are under the Real Property Ordinance are exempted from making their claims. Their titles would be registered under the proposed Registration of Titles to Land Act, automatically.

Part II provides for the appointment of officers. Clause 4 provides for the appointment of an adjudication officer, assistant adjudication officers, demarcation officers, recording officers and survey officers. The adjudication officer is the officer who would be in charge of the adjudication process. Therefore, it is provided that he shall be an attorney-at-law, and we will amend it

to say "of not less than seven years of standing". It now says "of seven years standing". The qualification of the other officers shall be prescribed in the regulations.

This clause empowers the demarcation officers and survey officers to enter upon land at any reasonable time for demarcating or surveying any parcel of land. May I say that the intention of the Act is for it to be very mediatory and, under the Land Tribunal Act, one would see there is a provision for direction to be got from the Land Tribunal. It is the intention that if there is dispute as to going into the land, there can be an application to the Land Tribunal for an order or for direction so that there would not be any kind of unnecessary incident for these officers doing their demarcating and surveying.

They would also be empowered to summon any person who could give information regarding the boundaries of such parcels of land. They will have to have these powers to discharge their functions effectively. One would observe that subsequent clauses would provide for adequate notice and publicity for the adjudication process so that no one would be taken by surprise. Bearing in mind that under the Bill, if they do not comply there is nothing that the officer can do them. It then becomes a summary offence and it has to go to court. So, the officer does not have any penal powers.

Part III of the Bill provides for claims to be made and demarcation. Clause 5 empowers the adjudication officer, in consultation with the Director of Surveys, to divide the adjudication area into two or more adjudication sections, or to declare the whole adjudication area into a single adjudication section. The purpose of this provision is to have more adjudication sections within an adjudication area if it is desirable, having regard to the resources available for the adjudication process. If the adjudication area is too large and not manageable, the adjudication officer could divide the area into several adjudication sections.

It must be noted that the requirement to indicate boundaries applies to all, whether their title is registered under the Real Property Ordinance or not. Since the state would be giving title to the parcel at the end of the adjudication process, it is necessary that even those whose titles are under the Real Property Ordinance need to indicate their boundaries and to ensure that title to any portion of the land is not given to another person.

Subclause (3) of clause 6 provides for the preparation and publication of a schedule of lands registered under the Real Property Ordnance within the adjudication section. It may be noted that any person whose name appears in the

Schedule, owners of land under the Real Property Ordinance, need not make a claim during the adjudication process. They, too, will have to indicate their boundaries. It is hoped that with this whole process, at the end of the day, persons who own lands will be able to have a certificate of title.

Clause 7 provides for stay of lawsuits involving land pending adjudication process. This legislation does not prohibit dealings in land during the adjudication process. The consent of the adjudication officer is necessary if there is to be any action claiming an interest in land or the right of land. The consent is also necessary to deal with land. With regard to pending suits, any party may apply to the court for a stay of proceedings.

Mr. Speaker, just on the face of it, it may appear to be drastic, but its purpose is to ensure that the adjudication process is not disrupted, and it may be noted that provision is made to ensure that the consent is not unreasonably refused.

Mr. Sinanan: Is it the responsibility of the owner of the land to demarcate the land or will it be the survey officer who will demarcate the land?

Hon. R. L. Maharaj: The state is undertaking the process to demarcate and survey. Therefore, the owners would assist. It is hoped that where there is consent, it will be recorded. If there is a dispute, it goes to the tribunal. So, there will be no cost to the owners. It is the state which is undertaking the process. That is how I understand it.

11.00 a.m.

I wish to indicate, however, that at the committee stage, I would put an amendment to make it quite clear that this section, in no way, takes away the rights of anyone who wants to file an action in respect of land: that they cannot go to the court. The whole process is for the adjudication officer to know what is happening, because we do not want the record to reflect no court proceedings when there is a court proceedings. That is the intention of this section.

The requirement for consent is imposed to enable the adjudication officer to make a note of the lands that are the subject of lawsuits or that an owner is going to deal with the land so that he will not finalize the adjudication process in respect of those lands.

Clause 8 would require persons, who have an interest in land, to make their claim in a manner and within the period specified in a notice given under section 16. This means that anyone who has a claim—saying that he has a right or whatever—is given notice. This clause makes it an obligation for persons whose

presence is required to attend in person or through an agent, at any place specified in writing. It is in their interest for them to attend. Their failure to attend should not delay the proceedings. Hence, it is provided that the proceedings would continue despite the absence of the persons who were notified to be present.

Clause 9 safeguards the rights of absent persons, minors or persons under disability. It may very well be that minors and persons under disability may have interests in land in their own right. If there is no one to represent them, a fit and proper person must be appointed to safeguard the interests of such persons. There are provisions made for such an appointment.

Clause 10 provides for demarcation and recording. This clause provides for seven days to be given of demarcation of land in an adjudication section by the demarcation officer. This notice would require every claimant to indicate their boundaries.

Clause 11 provides for land claim to be indicated by boundaries. The demarcation officer would indicate boundaries of public roads, public rights of way, state land, waste land and unclaimed land.

Clause 12 would set out the special powers of the demarcation officer. He is given the powers to adjust boundaries of land with the consent of the owners. If there is a piece of land and the two owners agree that it should be in a different way to facilitate the better use, and both of them agree, he can adjust those boundaries. This power would enable him to adjust boundaries to ensure a more beneficial occupation of lands and could result in someone loosing a portion of his land. Therefore, there is provision made to empower the demarcation officer to award compensation to persons who may suffer any loss of land. He is empowered to make reservations for roads, drainage or declare existing rights of way over any land and direct the manner in which such rights are to be exercised. He is also empowered to determine the proportion in which expenses of any partition of lands are to be borne.

This clause also provides for persons aggrieved by the payment of compensation or expenses, to raise an objection under clause 20 which will go to the Land Tribunal. It provides that an order for payment of expenses or compensation shall be a charge on the land.

Clause 13 enumerates the duties of the survey officer. It would be the duty of the survey officer to prepare a section demarcation map and a parcel identification map on a scale to be prescribed. The survey officer is required to number the parcels in each section consecutively. The number of the adjudication section and

the number assigned to each parcel shall be referred to as the Unique Parcel Reference Number. This number would be sufficient description of the parcel. By this process every parcel of land in Trinidad and Tobago would have a Unique Parcel Reference Number.

Mr. Speaker, as one knows now, the system is reference to land by name. If one is going to search, the name plays an important part. There is going to be a change in that it is going to be a parcel reference system.

Clause 14 sets out the duties of the recording officer. He would be entrusted with the responsibility of considering all claims to interests in land and after investigation, as he considers necessary, shall prepare a record of the matters specified in clause 18(1) in respect of every parcel of land and submit it to the adjudication officer.

Part IV deals with the preparation of the adjudication record and sets out the principles of adjudication.

Clause 16 would indicate the person whose title would be regarded as absolute title, qualified title or provisional title and which lands are state lands. However, a person whose title to a parcel of land is registered under the Real Property Ordinance would be declared as having absolute title. A person who does not have documentary title but is in open and peaceful possession, undisturbed for a period of at least 30 years, would be declared as having absolute title. A person who has a good documentary title and no other person is in the process of acquiring a title, by the law of prescription or limitation, would he declared as having qualified title.

Mr. Sinanan: With respect to the latter matter referred to—a person who has good documentary title—why is that title qualified and not absolute? I think it should be absolute, because there is a good documentary title and under the common law it should be absolute and not qualified.

Hon. R. L. Maharaj: I think the reference to qualified title would be that there is a documentary title, it is common law. I also said: "And no other person is in the process of acquiring a title by law of prescription or limitation." There could be a situation where—even though, at the time nobody has done—people may have a good claim, therefore, it was thought that was the way to deal with it—make it qualified so that at some stage it can probably be made absolute.

Mr. Sinanan: If one has good documentary title, legislation does not provide for that title to be absolute. This clause deals with a good documentary title that is

not subject to any adverse claim or possession. My point is this: if one has a good documentary common law title it should be absolute. The legislation does not take care of that.

Hon. R. L. Maharaj: I take your point. Can we get some more information at the committee stage? I think the reasoning behind that is in this process of adjudication, there may not be all the information with respect to prescription, *et cetera*. I think that is the logic. I undertake that I will find out more.

A person who is in possession or has a right to a parcel of land but has not been in possession for a period of 30 years would be declared as having a provisional title.

Any land entirely free from private rights would be declared state land. Particulars of any land subject to any right which is registrable under the proposed Registration of Titles to Land Act as a lease, charge, easement, profit or restrictive agreement shall be recorded. One sees that all these would be recorded. When one looks at the title all these would be on it.

Clause 17 sets out the principles that would be followed in adjudication. All unclaimed land would be deemed to be state land. Possession or receipt of rents and profits through another person shall be deemed to be possession or receipt by the claimant. Possession by one person may deem possession of another person, having regard to the relationship. Where two or more persons have rights which will entitle them to be registered as joint proprietors or proprietors in common, the recording officer shall record them as joint owners or owners in common, and if owners in common, their respective share.

11.10 a.m.

Clause 18 provides that the adjudication record shall be a prescribed form in respect of each parcel of land. It would show the area of the parcel of land as shown in the demarcation map; the name and description of the person entitled to be the registered owner; the manner in which that person acquired that parcel of land and any restriction on the power to deal with the parcel of land; particulars of any rights registrable such as a lease, charge, easement, profit or restrictive agreement and persons entitled to those rights; the name of the guardians under disability whose names are in the adjudication record; a record of the documents produced to the recording officer and retained by him; and the date of the completion of the form. This clause provides that a completed form shall be signed by the recording officer and where the land is privately owned, the signature of the person claiming the land.

Clause 19 provides for the issue of a notice of completion of the adjudication record when the adjudication record is completed in respect of an adjudication section. Such notice would indicate the place or places where the record could be inspected.

Part V provides for objections and finality of the adjudication record. Clause 20 provides that any person who is in any way affected by the adjudication or by the decision of the demarcation officer or survey officer or by the record made by the recording officer may, within 90 days of publication of the notice of completion of the adjudication record, make an objection in the form and in the manner prescribed. The adjudication officer shall within 30 days after the receipt of the grounds of the objection, give notice in writing to all persons concerned and hear the objection and make his determination.

Clause 21 sets out the procedure for hearing objections, disputes and transmission of records. It is provided that in hearing a dispute under section 15 or an objection under section 20, the adjudication officer shall, as far as is practicable, follow the procedure directed to be observed in the hearing of civil suits, but he may admit evidence which may not be admissible in a court of law. At the completion of the hearing, the adjudication officer is required to make a record of all proceedings, prepare a brief statement of the reasons for his decision, and transmit the record and reasons for his decision to the parties concerned. Upon the expiry of the period for appeal, the Adjudication officer shall transmit the record to the Registrar. If an appeal is lodged, the records in respect of lands under appeal shall be transmitted to the land tribunal.

Clause 22 provides for effecting corrections of adjudication records. Consequent upon the decision of the adjudication officer given under section 20, the corrections of records shall be made by the recording officer, and corrections to the map shall be made by the surveying officer. Before the adjudication record becomes final, the adjudication officer may make minor corrections not materially affecting the interests of any party, but here again, he will give notice to the relevant party before effecting any corrections.

Clause 23 confers finality to the adjudication records in respect of parcels which are not subject to appeals under clause 24 which provides for appeal to the land tribunal. Finality could be conferred after 90 days of the notification of the completion of the adjudication record. All records in respect of the parcels which have become final will be transmitted to the Registrar of lands by the adjudication officer. The transmission of the records in respect of one section will not be

delayed, Mr. Speaker, because there are a few of those pending in respect of certain parcels.

Clause 24 provides for the right of appeal to the land tribunal. Persons who raise objections to pursuance of section 20(1), and are aggrieved by any decision of the Act by the adjudication officer, may appeal to the land tribunal within two months of the adjudication officer signing the certificate under clause 23. Persons appealing under this clause shall give notice to the Registrar.

Mr. Speaker, Part XI provides for the miscellaneous matters, including the creation of offences, exemption of officers from personal liability for acts done in good faith and the power to make regulations to give effect to the provisions of the Act.

Clause 25 creates certain offences and are intended to secure compliance with summon issues, and generally to give effect to the provisions of the Act.

Clause 26 would exempt several officers engaged in the adjudication process from personal liability for acts done in good faith.

Clause 27 provides for the Minister to make regulations to give effect to the provisions of the Act.

Mr. Speaker, the Land Tribunal (No. 2) Bill creates a land tribunal with the jurisdiction to settle all disputes concerning land in Trinidad and Tobago. At the outset, it would have jurisdiction to adjudicate appeals from the land adjudication officer; to review matters relating to the registration of titles under the Registration of Titles to Land Act; and to hear claims under the latter Act where the claimant and the Registrar have been unable to agree on the quantum of compensation.

Mr. Speaker, the Bill is divided into five Parts. Part I sets out preliminary matters.

Clause 1 gives the title to the Bill and clause 2 defines certain words used in the Bill.

Clause 3 provides for the establishment of the land tribunal. The tribunal shall comprise a chairman, a deputy chairman, and not more than six other members. The chairman and deputy chairman shall be attorneys-at-law of seven years' standing. The other members would be appointed for their special knowledge in matters relating to land, environment, *et cetera*. The composition of the land tribunal is such that it would be entitled to adjudicate on all land matters in the future. This clause will be amended to provide for what I am saying here. I also

intend proposing an amendment to this clause at the committee stage so that the chairman and deputy chairman would be appointed by the Judicial and Legal Service Commission. The other members would have to be appointed by the President. I also intend proposing an amendment to this clause so that the terms and conditions of the appointment of members of the tribunal shall be determined by the President on the recommendation of the Salaries Review Commission. The President here means the Cabinet, obviously.

Clause 4 sets out the circumstances in which a member of the tribunal would not take part in the proceedings of the tribunal. I must confess, I had problems with clause 2 of this Bill and, therefore, I propose to delete subclause (2) which says that the decision of the tribunal shall not be vitiated by reason only that there has been non-compliance with subsection (1). I think that if someone has a pecuniary interest in a matter, it is bad.

Clause 5 sets out the jurisdiction of the tribunal which includes an appeal from the adjudication officer who is appointed under the Land Adjudication Bill. It also seeks to enlarge the jurisdiction of the tribunal by virtue of clause 12.

Clause 6 provides for application to be made to the tribunal for direction. So what we are doing here, Mr. Speaker, is that there would be, from time to time, if there is any dispute for a direction to be given by the land tribunal, this provision is important since it provides an avenue for any one at any stage to apply to the land tribunal for direction. This may very well be against the decision of any officer appointed under the Land Adjudication Bill or under the Registration of Titles to Land Bill.

Clause 7 seeks to provide for appeals to the tribunal from a decision of the land adjudication officers and the powers of the tribunal upon such appeal. Mr. Speaker, it may be desirable—and I think that this is something which I want to do—for the state to assist persons whose financial circumstances may not permit them to appeal to the tribunal. I intend to bring an amendment at the committee stage to extend the provisions of the Legal Aid Act to assist people who deserve assistance.

Clause 8 would enable a person claiming compensation under the Registration of Titles to Land Bill to appeal a decision of the Registrar to the tribunal.

Clause 9 would enable the tribunal to make an order where the Registrar applies for direction as is provided for in the Registration of Titles to Land Bill.

Clause 10 seeks to provide for simultaneous sittings of the Land Tribunal. This clause is important since it is anticipated that all disputes relating to land

would be brought under the jurisdiction of the land tribunal and, in time to come, there could be provisions to have more than one sitting. For example, you could have the land tribunal sitting in La Brea whilst one is sitting in Port of Spain, or one sitting in Toco, or in Tobago, so that it is provided that you would have more than one sitting at a time.

Clause 11 would vest in the tribunal the powers, rights and privileges as are vested in the High Court with respect to attendance, examination of witnesses, the production of documents and the enforcement of orders, but I intend to amend this clause. I looked at this clause yesterday and I have some problems with it. I intend to amend this clause so that the tribunal will not have all the powers of the High Court for enforcement, it would have the power with regard to compelling attendance, examination of witnesses, and the production of documents. There is the law that only a superior court of record can have the power of contempt, so therefore, I wanted to make sure it does not have those powers.

Clause 12 is very important since it is here that enabling provision is made to expand the jurisdiction of the tribunal. It is provided that the jurisdiction vested with the authorities in the legislation listed in the Schedules of the Bill could, by order of the President, be transferred to the tribunal. This is in keeping with the policy to have only one tribunal adjudicate on matters. Mr. Speaker, if one looks at the Schedule, one would see that there is the Environmental Management Act, the State Lands Act, the Agricultural Small Holdings Act, the Planning and Development Act, the Town and Country Planning Act, the Pipelines Act, the Advertisement Regulations Act, and the Land Acquisition Act, and it is hoped that ultimately, all these matters affecting land; would come to the land tribunal.

Part III deals with appeals and what the Bill does is provide that appeals from the tribunal should go to the High Court and then to the Court of Appeal, but we intend to amend that. From the tribunal, it should go to the Court of Appeal and then to the Privy Council. The Court of Appeal is a part of the Supreme Court and in other jurisdictions in the Caribbean that is how they have done it, because if you go to the High Court and the Court of Appeal, they are increasing the delays. I looked at the point, and I do not think that this Bill would take away the rights of persons to go to the Privy Council, because under the Constitution in section 109, if you have any claims in excess of—I think it is—$15,000, you are entitled as of right, to go to the Privy Council. That is why we have done it based on the Antigua model, which has gone from the tribunal to the Court of Appeal and then to the Privy Council.

Part IV of the Bill deals with administrative matters.

Mr. Speaker, I go now to the Registration of Titles of Land (No. 2) Bill. This Bill would, for the first time in our history, as I said, establish a parcel based registration system of land and, in accordance with clause 2 of the Bill, the Bill would apply to every parcel of land for which a folio of the register is established. A folio of the register would be registered eventually for every parcel of land in Trinidad and Tobago. The system proposed would be orderly and just, and I mentioned those details when I dealt with the Land Adjudication (No. 2) Bill. But when we examine clause 2(2), dealing with the purposes of the Bill, we would realize that when enacted, this Bill would provide certainty of ownership and interest in land, it would simplify the proof of ownership and, as a consequence, would facilitate the efficient execution of transactions. The Bill would also provide compensation under prescribed circumstances. The machinery adopted in the Bill to deal with the existing mischief is contained in clause 2(3), and the machinery consists of: the establishment of the parcel-based register of lands, on which I have already spoken; the use of a unique parcel reference number to identify each parcel of land; the establishment of the ownership of interest in land by registration; and the establishment of priority for enforcement of interests by time and date of registration.

Mr. Speaker, Part II of the Bill deals with the establishment of a Land Registry. The Registrar General's Department has always been a registry for all purposes; intellectual property was given a separate registry, and now, in the ongoing process of re-organizing and strengthening the department, land matters would be handled by a separate registration and in a separate registry. The Bill would therefore establish certain new public offices in keeping with the functions envisaged for the Land Registry.

Part III provides us with the details of the Register. Clauses 13—25 treat with matters such as the folios to be contained, the manner in which the register is to be compiled, the details relating to the first and subsequent registration of a parcel of land; the record of encumbrances on state owned land; the functions and responsibilities of the Registrar in respect of certain freehold reversions, mines and minerals, condominiums, consolidation and sub-divisions of parcels of land. The issue and contents of a certificate of title, in respect of land are also detailed in this part. The certificate of title which would be issued to the person entitled to hold land, shall be evidence of the matters contained therein, as at the date of issue of the land or lease shall be subject to all entries in the folio made thereafter.

11.25 a.m.

Mr. Speaker, one would recall what I said about the registered deed and the certificate of title at the beginning of my contribution, so at the end of day, it is hoped that everyone, with respect to land, would have a certificate of title. The more important items of information in the certificate of title are: the Unique Parcel Reference Number; because that is the number by which the parcel of land would be identified. It would consist of a number identifying the area in which the parcel of land is located, and the number identifying the parcel itself, and its schedule of and the order of priority of all current encumbrances, charges, restrictions, conditions and other interests; whether benefiting or burdening the land. This information is not available on a deed at the present time. Therefore, the new system would be able to give anyone all this information at one time.

Part IV deals with instruments and dealings with land. This part of the Bill is extremely important. Clauses 26 to 28 set out the prerequisites for registration under the Bill and the circumstances under which an instrument may be rejected. Under clause 20, no interest in land can be created or disposed of except by writing and signed by the person creating or conveying the same. A declaration of trust respecting land must also be in writing under clause 27. The requirements and effect of registration are detailed. None of these provisions alter the existing law, but they have been included to prevent any lacuna that may arise as a result of the eventual repeal of these Acts and the Real Property Ordinance.

Clause 28 gives the Registrar the power to reject the document which is incomplete, otherwise effective, but also gives the right of repeal to any person who is aggrieved by the rejection. The effect of registration of a document is identified in clause 29 but the Registrar is empowered to cancel registration of any instrument, in which the provisions are, subsequent to registration, found to contain material defects or to be inadequate to reflect the intention of the parties or to be fraudulent. The foregoing provisions in this part affect registration. Three of the provisions that follow give certain power to the Registrar to rectify registration; to state a case in court and to enter the Registrar's caveat where there is an error or omission on the record.

Clauses 37 to 43 are purely procedural including rectification of the register; modifications of forms; prescribing of fees, execution of and disposal of instruments.

Clauses 44 to 49 would provide for registration under specific circumstances. For example, in cases of minors, agents and persons under disabilities, powers of attorney, death of joint proprietors.

Part V of the Bill entitled "Transmissions, Liquidations and Trust", is an attempt to strengthen the comprehensive thrust of this measure, by legislating for such circumstances as in the death of the sole proprietor; bankruptcy; liquidation; transaction by compulsory judgment of the court; trust; survivor of trustees; and voluntary transfer.

In clause 57, the court has the power to make a restraining order for a particular time, or until the occurrence of a particular event, restraining the registration of any dealing in land.

Clauses 58 and 59 further explain the effect of the restraining order and the cancellation of such order.

The lodging and removal of caveats and such other matters are contained in Part VIII of the Bill, which also deals with other miscellaneous matters such as offences, regulations and saving provisions. The success of this package depends to a large extent on the confidence that the public would demonstrate in the process of adjudication and registration. In order to inspire this confidence and to create a system that is just and fair to all, an Assurance and Compensation Fund is being established under Part VII of the Bill. The purpose of the fund is to pay compensation to persons affected by any act or omission of officers of the Land Registry. The fund shall be managed and invested in such a manner, as the Minister of Finance may, by order, determine, subject to negative resolution of Parliament. Where there is insufficient moneys to satisfy any claims made under the Bill, that deficiency shall be charged on the Consolidated Fund.

Clause 70, however, would bar persons who have any knowledge of any competing investments in the land concerned and had failed to lodge a caveat to protect his interest.

Clause 72 relieves the fund from any liability to pay compensation on the circumstances detailed in that clause. There are other clauses, in this part, which give the right of action to certain persons who suffer losses as a result of the act or omission of other parties.

When one looks at these Bills one sees that they are an attempt to address a very old problem. I know when I made my contribution we still have—hanging in the balance—some of the 1981 legislation. There has been a committee looking at that and, from time to time, taking what is needed and proclaiming parts of it. For example, in relation to succession, there is a Dependants Relief Bill before the Senate. There is a committee which would come up when these Bills are enforced, so that we could decide exactly what we are going to do with those

aspects of the legislation. There are some aspects of those legislation which would not be required again, but there are other aspects which would be required and we may have to amend them. They have to deal with issues like rights in respect of condominiums, liabilities and matters like that. *[Interruption]* Yes, it may be that you bring new legislation.

Mr. Speaker, I have a few more minutes and I would like to give hon. Members some idea of what this report had stated, so that one can see, in relation to what we are doing here, what the report stated. Before I do that, let me state that the Ministry of Legal Affairs, under the hon. Member for Siparia, has been putting mechanisms in place to give effect to some of these measures. In any event, even if these measures were not passed, there would have had to be reforms; strengthening of the institutional set-up in that registry, and there is this property information management system. As I told you, the existing system is that you identify land by the name of the person. The Complete Computer System (CCS) has been given a contract to provide the necessary information technology. The contract is for both the hardware and software, in order to provide the necessary technology, so that when the Bill is passed—and there is to be a search on land, it would not be going to the big books, it would be going to a computer. *[Interruption]* As a matter of fact, the aim is to have it completed by March 2,000 and much work has been done in that area.

Mr. Speaker, CCS was awarded a contract to convert the existing data, in relation to the land title documents. The data, which are now on paper, have started to be scanned and there is an image database being formed. For example, there are bills of sale, deponents and judgments and they have gone back for four years because as one knows after three years you have to re-register. So they have gone back for four years and I have been informed that all these matters are already scanned. They are up-to-date. All grants of representations from 1880 have already been scanned. Deeds, up to 30 years of title; leases, mortgages and so forth, that process has started. As a matter of fact, I am informed that all of the deeds, up to March 1999 and 1998, have already been done. As a matter of fact, I had the benefit—I visited these places myself and I can see a lot of work has been done in getting these things started. As a matter of fact, it is well in train and it seems that by March 2,000, this system would, in effect, be put in place. *[Interruption]* I would not answer that.

11.35 a.m.

Mr. Speaker, I would like to put this on the record: at page 2-2 of the report it says:

"Without secure tenure, farmers have difficulties in getting loans; they feel inhibited from investing in soil and water use infrastructure; they tend not to develop the long term productivity of the land; they restrict their planting of permanent tree crops; they direct their labor to other sectors of the economy. Without secure tenure for housing, families have difficulties getting secured loans and are reluctant to invest their capital and labor in the improvement of their houses.

Part of the tenure insecurity problem is due to a land administration system which was designed for a relatively few number of property owners who once operated a plantation based economy. Today, the democratization of the economy means that thousands of families have acquired land in some way or strongly desire to do so for agriculture or for housing. The present administration of these interests in land, however, has lagged behind the demand for land:

—The leasing of state lands is an overly complicated and lengthy process, so people get land in any way they can, including extensive squatting;"

We have passed legislation to try to remedy that situation.

"— the state's ability to oversee the leases it awards is limited by the fragmentation and weakness of the administrative structure, which enables people who do not want to utilize productive land to keep it unused while others without land are left in poverty;

— the buying and selling or mortgaging of privately owned land is time consuming and expensive, given the way the authorization process works and the way that the registration system functions, which leads people to deal in land informally without registering the transactions;

— subdividing land among heirs often faces various hurdles...

— state enterprises and statutory bodies acquire land but are not able to make it produce agriculturally and yet, due to landlord-tenant laws and court decisions, are inhibited from distributing unused land to farmers…

The goal of the PIMS project is creation of a new and effective institutional system for the improved management of property information for all lands in the country, state as well as privately owned. The upgraded administration will redesign and simplify the procedure for recording leasehold and freehold interests in land, as well as other interests, and will provide easy recording of changes in these interests in land."

Mr. Speaker, that, in effect gives the rationale for these changes, but it is interesting to see what they said about "The Breakdown of the Property Information Management System":

> "A major reason for this situation of formal tenure insecurity on state and privately owned land is the breakdown of institutions which were originally invented to support a plantation system of land administration. The demands of modern, more democratic property ownership have overwhelmed the management capacities of the PIMS and have helped produce the chaos in land records detected in the 1991 study and others.
>
> There are numerous administrative and cultural problems. Getting access to land through the formal leasing of State land is a lengthy and costly process. Title searches are very expensive and often inconclusive, inhibiting the buying and selling of land. The formal administration of inheritances is long and costly, and in the cases of small parcels, subdivision of small agriculture plots among heirs is generally prohibited. Many landholders do not use wills to pass on their property to heirs, which further complicates the…process...
>
> Incomplete Register
>
> A very substantial proportion of land parcels are not recorded on any government registers. State lands are not registered.
>
> Out-of-Date Records
>
> The mechanisms available to register subdivisions, sale, inheritance or change of use of any type of registered land are not totally effective. The vaults in Lands and Surveys Division are known to contain significantly fewer survey plans than the Registrar's Department..."

As we talk about the vault, may I say that it is expected that the Land Registry and all the registries would be at the Huggins Building. There is a lot of space. I have visited there myself, there is a lot of space and room for expansion. There is a lot of room even to put the vault in such a way that it would be totally secure from water and other matters. So I wish to assure hon. Members that there are adequate facilities. I would be prepared, if the hon. Member for San Fernando West would like to come and visit with me. If he wants any of his colleagues to join in, including the Member for San Fernando East, I will be happy. [*Interruption*] I am talking about the Land Registry.

Mr. Speaker, I think that these are measures which have been long overdue, but they are not measures, which could have been easily taken because it is a very

difficult topic; it is very complex. What this is doing here is that we are really being asked to approve measures to provide the legal framework to effect these changes.

I beg to move.

Question proposed.

Mr. Speaker: I wish to remind Hon. Members that it was agreed that Members would be free to talk on two other Bills which are before the House, while dealing with this. [*Interruption*] I did not quite get that.

Mr. Joseph: Mr. Speaker, in contributing do we have three sets of time?

Mr. Speaker: Well, the whole idea is that one would talk for as long as one can and if it becomes necessary, when the other Bills are called and one feels that it is still necessary to talk, one would be able to do so.

Mr. Maharaj: I kept within my time.

Mr. Speaker: I may say that the timing given to the Attorney General by the Clerk was a bit out. It was out.

Mr. Barendra Sinanan (*San Fernando West*): Thank you. Mr. Speaker, these Bills before the House are very important. The object of these Bills really is to make simpler and user-friendly, to use the words of the Attorney General, dealings with property in Trinidad and Tobago.

This exercise is, perhaps, long overdue. We have heard the Attorney General indicating that such an exercise was started way back in 1981 when we had reform legislation, then in 1991, and successive Attorneys General since 1981 have sought to tackle this problem. It is a massive problem and it would take quite a number of years before all the lands in Trinidad and Tobago would be brought under the Registration of Titles Act, but it is important that a start be made. In this regard, these Bills would, in fact, initiate that process whereby titles to land in Trinidad and Tobago would be simple and easy for members of the public to search titles. As the Attorney General says—let me repeat it—it would be user-friendly, and I support him in that regard.

Mr. Speaker, when we go back to—perhaps, I may give you a little history of the present system of registration. Right now in Trinidad and Tobago you can register lands under the Real Property Ordinance commonly referred to as the RPO, and also under the common law. Under the common law, registration takes place by virtue of deeds that you file at the registry downstairs, and it is indexed

according to the wards, cities and boroughs. As well as those deeds, the big deeds that you register are then bound in what we call protocols, and they are called the country books.

Then you have the index, which refers to the names of the parties, the vendor—the seller, and the purchaser—the buyer. In order to do a search of a title under the common law one really has to go through both systems to get a proper search done, because you search the protocols and also the index by the names to match up what is stated in the protocols. It is and has been a very time-consuming exercise. Right now titles are searched for a period of 30 years and I had recommended to the former Minister of Legal Affairs that Government consider reducing that title period to 20 years because, Mr. Speaker, as you know, when you visit the registry downstairs and you see the state of the protocols, they are really in a bad shape. Pages are missing, they are torn off at the edges and so forth and it is very difficult for any conveyancer or search clerk to give a proper report on title. By and large, it is fair to say that conveyancers dealing with titles at the registry here in Port of Spain and, certainly, the common law titles, are at risk in dealing with those titles because it is, by and large, a hit and miss situation with respect to certifying titles.

The RPO title was simpler in that the history of that was when one goes back to the indentureship, the Crown in those days, the British Government, offered indentured labourers the opportunity of free passage back to India or, alternatively, a parcel of land. Hence, we had the advent of the Crown Grants or Royal Grants under the RPO system. We also had Royal Warrants of Land under the common law system. In each of them, the RPO system where you had the Royal Crown Grants, you had a survey plan attached to it. The system progressed.

After Independence we got Certificates of Title; no longer were we a colony, after Independence we began issuing Certificates of Title, and it was the same process where you had to have surveys. The system following that was the Australian system known as the Torrens System and it did speed up the process by which one could determine ownership of land. Unfortunately, there were some hitches in the system, it took a little time or more than usual for the Registrar to make endorsements on the back of the grants. There were cases where the grants, if they were lost, you had to make an application to the Court.

The system as proposed by the Government is, perhaps, similar to what exists under the Certificate of Title system, whereby all lands in Trinidad and Tobago would be brought under this Land Registration Act and you would be issued a certificate of title. What is happening now, as the Attorney General pointed out, is

that the titles are being micro filmed at Henry Street, I think it is, and all that information would be stored on compact disks, so it would be easy for a title clerk or a practitioner to access that information.

11.50 a.m.

Mr. Speaker, the problem with titles in Trinidad and Tobago as stated in the report from which the Attorney General quoted, is that again, historically, there were situations where in different parts of the country people were not made aware with respect to their responsibility to land ownership and, funny enough, it happened in areas populated mainly by the Baptist and I could not understand why that was so. In places like Moruga, Princes Town, Tobago and Mayaro we had people owning land, and when they died, the process of obtaining probates or letters of administration was not followed by the persons who were entitled to inherit from the deceased land owner. There was a situation throughout this country, which still continues today, where people assume ownership just by possession, and you can prove that the family would have been the owners of this land for years, but they do not have the documentary title. All they do is take possession of the land with succeeding family members doing likewise. That poses a problem with the payment of rates and taxes. Much revenue is perhaps not collected at the Warden's Office because rates and taxes are not paid because of the difficulty in establishing ownership.

Mr. Speaker, these Bills, as I said before, are a massive exercise and the Attorney General in winding up indicated that the Huggins Building is adequate in terms of space. I am informed, and reliably so, that the Huggins Building, if it is adequate now, in the space of two or three years would become very inadequate.

Mr. Maharaj: I want to give the hon. Member the assurance that apart from the building itself, there is space for expansion, state lands, so there is much room for expansion and there would be a new structure where the vault would be. So there is much land for expansion.

Mr. B. Sinanan: Thank you, hon. Attorney General. I am taking you at what you are saying, that the structure is adequate and there is space for the necessary expansion. What perhaps you do not have there, although that may be so, I am not sure whether there is facility for parking. There are government buildings all over the place and there is no facility for parking. When one travels in Port of Spain—it took me about 15 to 20 minutes to come from one side of the Red House to the other side. Traffic! Perhaps in the future—I know when you are building your

new offices—you would provide parking. I am sure the Attorney General's office across the road has adequate parking, so in the event you have to build a new registry I am suggesting that adequate parking be provided.

The registry is not only a building, it is to house computer records and disks and it has to be of the proper environment. It has to be air-conditioned. There must be stand-by generators. It is not a case which we had noticed a couple months ago at the Hall of Justice where the stand-by generator broke down, could not be repaired and there was no air-conditioning so the judges could not sit. When you are housing records on micro film, computers, and computer disks, you must have a secure air-conditioned environment. While the Attorney General is indicating that the space is adequate, I hope also that the necessary infrastructure to accommodate and facilitate the storage of these records will also be put in place. As I said, the place has to be properly air-conditioned and there must be adequate stand-by generating facilities.

For these pieces of legislation to work, officers of the different departments, whether it is the Land Tribunal, Land Registry or the Land Adjudication Bill, these officers have to be properly trained. One of the difficulties with which we are faced in terms of staff at these different registries, is that the officers are not properly trained. Most of the experienced people have taken early retirement or have retired and the new members of staff, albeit eager to do a proper job, are strapped in that sense in that they are not properly trained. So it is important for these Bills to be properly implemented and to have efficient staff trained.

Mr. Speaker, I wish to take the opportunity to recognize—and I am sure when I call the names, you yourself would recognize them—the former registrars of the Supreme Court. Certainly in my days of practice, I started off with a gentleman Mr. George Benny and he was succeeded by Justice Edoo and after Justice Edoo who is now our Ombudsman, we had Mr. Brathwaite and then we had Mr. Rees who came back on contract and lately, we had Angela Latiff-Rampersad, now deceased and those were the good days as the Attorney General remembers well. I wish to pay tribute to Mrs. Rampersad and those gentlemen who really ran the registry, albeit faced with difficult circumstances. They have done very good work at the registry. I am not saying that the existing ones are not doing good work, I know them very well. All I am saying is that we need to have the registry's staff properly trained and the accommodation must be adequate.

You yourself, Mr. Attorney General, indicated that you visited the Red House department downstairs and this building is really suffering from decay. When you walk through the corridors here when it is raining it is easy to slip and damage

yourself and perhaps the state is putting itself at risk of being sued. Perhaps, if the Member for St. Joseph were to slip and hurt himself, the state is opening itself to a claim for substantial damages. Yes, the registry is in a dilapidated state and I am saying to make sure that the Huggins Building, where the registry will be housed, is properly maintained to an adequate and superior standard to what obtains at the Land Registry at the Red House.

In making the title to land simple, again, Mr. Attorney General, I am asking you to look at another matter which would help simplify the process and ultimately benefit the land owner and that has to do with the question of estate duty. It is a matter which I raised with both the former Minister of Legal Affairs and the Minister of Finance. Estate duty has been abolished or zero rated since 1981 so that deaths which occurred after 1981 are not subject to the payment of estate and succession duties, but certainly, if a death occured before 1981, you have to pay duties.

There is hardly any staff at the Board of Inland Revenue to see about that and it is very cumbersome to pay estate duty. You have to get a valuation report, copies of the deeds, death certificate of the deceased, submit these to the Board of Inland Revenue which will refer the matter to the Commissioner of Valuations who would put a value on it. If the values differ, it is another set of time that has gone by and a simple thing like that—because it is since 1981 we do not have it. For practitioners doing conveyancing work, estate duty is a charge on land and you will be surprised to know that a simple estate duty matter can keep back a transaction and, therefore, put the parties under some sort of stress. It also has the effect of delaying construction, delaying the employment of people, delaying the process whereby the economy can be speeded up. So I ask you to move post-haste on that matter.

Again, every time we speak about land compulsory acquisition, I have indicated that there should be a register for that and whilst the new Registration of Titles Act provide for compulsory acquisitions to be endorsed on a certificate of title, there is no such registry at the moment and between now and the complete implementation of this Act, some system should be put in place whereby there is a register of compulsory acquisition and both the former Minister of Legal Affairs and the hon. Minister of Housing and Settlements have indicated that they would see that there is, in fact, a register of compulsory acquisition. There is none now, but the new Act would take care of it when titles come on stream under the new Bill. There is provision here for the endorsement of compulsory acquisition.

Mr. Speaker, the Bill does not speak of what would happen when you lose or misplace your certificate of title. My understanding of it is that you will get a certificate of title just as you have now under the Real Property Ordinance (RPO) so there will be an original record here and then the registered proprietor, or owner of the land would have what is called a duplicate of title. Nowhere in the legislation speaks of a procedure whereby if a certificate of title, that is the registered proprietor's certificate of title, is lost or misplaced where you can apply for a new one. Under the present system with the Real Property Ordinance, you can apply for a lost grant or a vesting order. There is no such provision here so that lands that are registered under the Registration of Titles Land Act—there should be some procedure here whereby, if the grant is lost, the certificate of title, you can, in fact, apply. As I said, under the existing law, the RPO, there is such a procedure, but there is none here.

[MR. DEPUTY SPEAKER *in the Chair*]

12.05 p.m.

Mr. Deputy Speaker, I have mentioned in my budget contribution the situation with respect to registration stamps and normal stamps that attorneys would have to pay. You have to pay stamps for birth, death and marriage certificates. When you register a deed $50.00; when you register what we call particulars of charge where a company mortgages its property the cost is $300.00. When you are registering new companies—apart from the stamp duty—you have to affix stamps, ordinary postage stamps, which we call registration stamps.

Mr. Deputy Speaker, when you file court documents, you go to the registry and file a writ of summons or any form of pleadings and you have to buy these postage stamps and affix them to the document. Do you know that since October 1, 1999 TT Post has taken over the postal service in this county? Since, October 1, 1999, this year, to date, we have heard nothing from the Government dealing with registration stamps.

I am reliably informed that over $15 million is spent on registration stamps in the year when you affix these stamps to deeds, company records and to requests for birth and death certificates. One cannot go and pay for this with cash, you have to buy these stamps. Someone on the Government side, perhaps—I would not say loves TT Post—but I think it is probably a slip, and it is a matter that the Government needs to attend to urgently because since October 1, 1999, I am saying, that this country is losing endless money because we are paying TT Post for registration stamps to be affixed to deeds, when there should be some system whereby that money is paid to the Government.

Mr. Deputy Speaker, may I suggest to the Attorney General that certainly, with respect to deeds and documents to be filed at the Companies Registry, the Government can work out a system whereby one does not have to affix registration stamps. The idea of putting registration stamps on documents is very archaic, and then you have regulations saying that you cannot put more than five stamps. It is totally archaic and either it is abolished in full or if not, then there must be some system whereby you can pay the cost of registration by the payment of additional stamp duty. We have stamp duty offices in San Fernando, Port of Spain and in Tobago. For example, if a deed requires $50.00 to register it, you pay that $50.00 to the stamp duty office, and the same thing with particulars of charge where the cost is $300.00.

So, as I have said, when we have employees of the state not getting moneys or they are not getting their salaries on time or people are not being paid, here it is the Government is giving away millions of dollars to TT Post. I urge the Government to attend to this problem urgently. I am not sure whether there is some system whereby they can approach TT Post for compensation. I do not know how they will determine that. The point about it is that some system has to be developed, whereby you replace the fixation of these registration stamps on these documents.

Mr. Deputy Speaker, in implementing these pieces of legislation, one has to be mindful that sooner or later title clerks would become a thing of the past. Right now, a practitioner can go and search a title himself and, in 99.9 per cent of the cases he employs a title clerk. With the certification of this procedure, title clerks would either have to be absorbed within the Registrar General's Department or they would have to be retrained in some other occupation. Certainly title clerks and there are about 100 to 150 such people employed at the Registry and not only at the Registry, they are also employed at the National Housing Authority, State Solicitor's Department and at different government departments.

Talking about the National Housing Authority, I am reliably informed that to date, the board has expired—the composition of that board, I think the term of office ended some months ago—and a new board has not yet been appointed, which causes difficulties in the signing of documents and the issuing of consents, I cannot understand what is the difficulty. That board expired—the life of that board could be five months or thereabouts—and a new board has not been appointed. By that simple matter of not appointing a board, people dealing with the National Housing Authority are delayed by five months because a Chairman does not exist and there are no Directors to sign documents. So, again, I am sure

that the hon. Minister of Housing and Settlements, under whose portfolio the National Housing Authority resides, would see to the early appointment of a board at the National Housing Authority.

Mr. Deputy Speaker, for this legislation to work in the Land Adjudication Bill it talks about survey officers. The Attorney General has indicated that every single parcel of land in Trinidad and Tobago would have to be surveyed and it would take years but it is a start. Now, here we are where we need—I would imagine these survey officers would have to be qualified land surveyors. So, I am not sure how it is going to be implemented, whether you are going to contract out the surveying aspect of the implementation of this piece of legislation to surveyors, or whether it would be surveyors' assistants, who are not qualified surveyors. How are you going to do this? You would have a situation where you do have agreement in terms of boundaries, but what if you do not have an agreement with respect to the boundaries? You must have a surveyor to survey that.

Mr. Deputy Speaker, let me indicate that the Director of Surveys Office is grossly understaffed and inadequately housed. I am not sure about their compensation but I would imagine that too needs looking at. So that office which would play a very pivotal part in the implementation of this piece of legislation, needs to be looked at very seriously. It is grossly understaffed and the Attorney General himself indicated in a report that there were more survey plans housed at the Registry than at the Director of Surveys and simply because surveyors, perhaps, were not following the law. Every time a survey is done in Trinidad and Tobago a copy ought to, should be and must be filed at the Director of Surveys and I do not think that has been done.

We have passed new legislation recently dealing with surveyors where you must have seal and so forth, and that, perhaps, would improve the situation. I am saying, one of the avenues the Government has to look at, a major component in the implementation for the success of this legislation, is the Director of Surveys office. One needs to look at that very, very carefully.

Mr. Deputy Speaker, there is a school at the University of the West Indies that does training in land surveying. One can get a B.Sc. degree there. It is a three-year course. I am informed that there are about 70 to 90 students at present. Again, Mr. Attorney General look carefully at what is going on in that school. I am informed that there is inadequate funding for the academic staff and there is hardly academic staff. There is no professor in that department, and here it is, we are

embarking on a massive exercise to simplify ownership and registration of titles and, again, a major facilitator of this process, surveyors are in very short supply.

12.15 p.m.

I will hazard a guess. I do not think there are more than 150 qualified land surveyors in the whole of Trinidad and Tobago. Land surveyors are like dentists in this country, Mr. Deputy Speaker, they are very few and far between. [*Interruption*] Well, there is one in the House who will probably relieve the shortage existing there in the next year, not too long from now. So again, Mr. Attorney General, one needs to look at the University of the West Indies to make sure that it is properly funded, there is good academic staff and there is a professor.

Talking about the Lands and Surveys Department, as I said—[*Interruption*]

Mr. Deputy Speaker: I will just let you finish that point. We will break for lunch at 12.15 p.m.

Mr. B. Sinanan: The Lands and Surveys Department needs to be looked at. Then you have to look at different things. There is the office of the Director of Surveys, there is the school, you have to look at Town and Country, local health—all these would have an impact on the proper implementation of this. You have to unify all the different departments. In Trinidad right now town planners are very rare. There are not sufficient town planners staffing the Town and Country Planning Division. We have new legislation coming in on that, but we do not have the required skill and personnel to staff these departments.

So it is all well and good passing legislation to simplify the thing but if we do not have adequate staffing it would not happen. All I say is that you have to unify the different agencies and bring them under some comprehensive umbrella whereby they would not be going in different directions but work in unity of purpose.

Mr. Deputy Speaker: Hon. Members, the sitting is suspended for lunch. We will resume at 2.00 o'clock.

12.17 p.m.: *Sitting suspended.*

2.04 p.m.: *Sitting resumed.*

[MR. SPEAKER *in the Chair*]

Mr. Barendra Sinanan: Mr. Speaker, during the luncheon interval I had the opportunity of again visiting the Registry downstairs. [*Interruption*] I took the opportunity to visit the Registry downstairs. [*Laughter*] I notice my colleague,

the Member for Caroni East, who is a lawyer in his own right, is laughing at that. Mr. Speaker, like your good self, being a conveyancer it is disheartening to practitioners to see the state of the country books. I am told, and the Attorney General mentioned it, that he paid a visit to the Registry and is aware of the constraints under which title clerks work and will continue to work until such time as the Registration of Titles to Land Act becomes operational in totality.

The books, Mr. Speaker, are in a terrible, terrible state. I am told that since 1990, that is just after the coup, they have not been recopied. Now, as you would know, Sir, there are protocols and these protocols are tattered. There has been a procedure whereby these books would be recopied but since 1990 the books have not been recopied and it is posing a grave difficulty to practitioners and also to the users of the Registry. There are also several books that are missing. Since 1990 the Country Book III of 1993 is unavailable. There are several books that are needed to do a title search but these books cannot be located.

So I am sure and I am hopeful that the Attorney General and new Minister of Legal Affairs would bring to bear his influence in that regard to see that these books, certainly for the present time where we have to use the books, and the country books and the indexes would be recopied and some effort will be made to improve the system until such time as we get to a stage where all the lands are covered by this new Act.

Mr. Speaker, when you look at some of these Bills, and it is a point I have raised on previous occasions, they refer to forms to be prescribed and regulations. Now, I know at times it may be difficult to have the forms ready or the regulations prepared. To me, when dealing with legislation such as this it would be better to have the forms annexed to the Act or have the regulations, if available, form part of the Act so that practitioners and persons using the legislation would just look to one document and source all the information and material from this document instead of having to source it from several different documents over several different periods of time. So I suggest that in legislation talking about forms to be prescribed and regulations to be made, where possible it would be practical for these forms that are prescribed to be annexed to the legislation.

In the Land Registration of Titles (No. 2) Bill, I think it is clause 41(4), reference is made to conveyancer. As you know, Mr. Speaker, we have since done away with conveyancers. In the old days your distinguished self would have been qualified as a barrister-at-law and then there are those, like myself, who would have been qualified as a solicitor/conveyancer. By way of a little history, the

barrister attended Inns of Court and it was a three-year course. Land conveyancing, which is a subject one had to do to pass the legal examinations, was not a compulsory subject for persons becoming barristers-at-law. However, it was very much a compulsory subject for a solicitor and conveyancer. If you failed that one examination you had to repeat your whole examination.

So, for example, it was an examination that one took in Part II of the solicitors' course. There were seven subjects broken down into three or four or one could take all seven, but if one had failed the conveyancing examination, it meant one had to repeat all. So under the old system there were solicitors and conveyancers more experienced in conveyancing transactions dealing with land and you had to do your period of apprenticeship with a solicitor. Now we have one attorney and he is an attorney-at-law. An attorney-at-law is also a conveyancer. So at committee stage we will tidy up that bit of drafting.

I did not hear the Attorney General indicate it but I am wondering whether, when the new system is fully operational, anyone can go to the Registry and identify or seek to know who owns what piece of land. In other words, when the system is operational and I go to the Registry and pay a prescribed fee, could I be then informed whether John Brown owns land in Trinidad and Tobago?

2.10 p.m.

The Attorney General is indicating, yes, that would be the position. That is a good situation because we have situations here where, for example, the new registry at Huggins Building was bought by whomever but there was talk of the building having been bought for $7 million and sold—I do not know whether within the year of purchase—for $10 million. So that if it is a member of the public can go to the registry and find out who owns land, perhaps situations like that, where, obviously, it was some sort of inside knowledge that permitted that transaction, would not happen.

Or, if it happens, the public certainly would be aware of it, because the evidence suggests that here was a deal and whoever got themselves involved in it, saw an opportunity to make quick money, and I am sure that the tax returns will probably show, if the transaction did not, that the property was sold within a year, capital gains tax to have been paid. So I am glad that the opportunity will exist for any member of the public to go to the registry and determine who owns land. It certainly will put politicians on their guard not to get involved in any act that may prove embarrassing.

Again, Mr. Speaker, we have a situation in all the Bills before us, of the chairman, the deputy chairman and the members of a tribunal being attorneys-at-law and the different Bills prescribe different numbers of years of practice. For example, the Land Tribunal (No. 2) Bill talks about seven years and it is a question of whether that is an adequate period. It may or may not be adequate. There may be people who were appointed to these positions who are really not qualified in the particular sphere of work.

For example, you would not take a person who is qualified at the criminal bar and put him to adjudicate on a land tribunal. The person would not have a clue as to what was going on. So, in terms of these qualifications, I see a number of them being appointed by the President and I would imagine that the appointment would be through the advice of, perhaps, the Cabinet. However, the Cabinet must be cognizant of the fact that in making these appointments, it does not make it on the basis of political expediency or because of a particular friendship with one person or the other.

Mr. Maharaj: Thanks for giving way, but in respect of the Land Tribunal, they are the Judicial and Legal Service Commission in relation to others, but maybe, if you have a suggestion, I do not mind putting criteria.

Mr. B. Sinanan: At committee stage, I will put forward some suggestions.

The point I am making is simply this. There is a minimum period of standing to take into account, but I am suggesting that when these appointments are being made, the people who would be given the preference to hold these jobs would be people who are experienced in the particular sphere of work. All of us may be lawyers but some of us are qualified in different areas, or our expertise lies in different areas of the law.

For example, let me put it this way. Not because a chap goes to school and graduates from a medical school, he would necessarily make, for example, a good Minister of Education; or a chap with a PhD in agriculture may not necessarily make a good Minister of Agriculture, Land and Marine Resources. This is the point I am making. People have expertise in different areas and when making these appointments, the Cabinet ought to look at people who are qualified and have the experience.

Again, in parts of the legislation, we talk about notices being published so there is the demarcation and other notices that say, “In this area a survey is to be conducted”, and these notices, perhaps, will be published in the daily press. But, again, in some metropolitan countries where you have these types of notices

dealing with planning permission, they are stuck on a lamppost. The question is: Are we sufficiently sophisticated in Trinidad and Tobago to allow that to happen? Very often, one travels on the highways and sees people eating and drinking under bridges. It is a common pastime of Trinidadians, especially on the weekends, to stop under a bridge and eat and drink, and having had their fill, they would throw the litter right on the side of the road.

So that one asks oneself whether that type of behaviour to permit notices to be stuck on say, lampposts, or even public buildings, that people would not remove them. So, we have to be a little more civic minded in Trinidad and Tobago to implement some of these provisions.

Again, the officers being appointed under the land tribunal and the adjudication court, are in very important positions. These officers would have tremendous powers. In some cases, they have powers equivalent to High Court judges. We know some officers are appointed by the Judicial and Legal Service Commission. No mention was made of their security of tenure. As I said, these offices are very important; the holders of these offices would wield tremendous power and experience and, to some extent, I think these offices should be insulated from any form of political pressure. They should really be independent offices and they should hold office under the same terms and conditions as are applicable to High Court judges.

Again, Mr. Speaker, I spoke about the staffing of the registry and the land tribunal. Staffing of these departments and these offices is a very important aspect in order for the successful implementation of the registry. I do not know whether decisions of the land tribunal will form part of our case law. The tribunal sits; it gives a decision; the decision has to be in writing. Would that decision form part of our case law in the country?

I think the Attorney General did mention that he has an amendment to make with respect to the terms and conditions of the appointment of the chairman and deputy chairman of the land tribunal. That would be a good thing because these offices should really be independent.

The Attorney General also indicated that he was going to amend the legislation with respect to limiting the right of appeal. When I first looked at it, I was not aware that the Government had changed the Constitution to the extent that one could not appeal to the Privy Council. The Privy Council is still the highest court in Trinidad and Tobago, so I am happy that the Attorney General has seen it fit to remove that section of the Bill.

Clause 67 of the Registration of Titles of Land (No. 2) Bill talks about the registrar being able to determine matters of compensation and I find that a little odd because the registrar will really be a judge in his or her own cause. If a mistake is made at the registry, then the registrar should not be the one to adjudicate on that mistake. There must be some distance between the offices, so that if a mistake is made and it is the subject of compensation to be paid, then the registrar should not sit as a judge in the cause.

Mr. Speaker, one of the ways that this legislation can be implemented successfully and fast-tracked, as the Attorney General said, is firstly, to deal with lands under the Real Property Ordinance. When you are talking about your designated areas, deal with that first, lands under the Real Property Ordinance. Then, secondly, you have in this country, and it is only a very recent development over the last couple years, whereby there are established residential areas.

For example, in the north here, you start from say Moka and you can come down to Haleland Park, Fairways, Goodwood Park and Westmoorings. In the east, there is Home Construction, Trincity and Paradise Gardens. In San Fernando, there is St. Joseph Village, Sumadh Gardens, Bel Air and so forth. Throughout the country, there are established residential areas where the titles are established and, with respect, I am suggesting to the Attorney General that the demarcation officers go to those areas first where there are established titles—Palmiste, Gulf View—where there are plans.

All these areas would have plans already filed that could be made available to the Director of Surveys and to the survey officers so that we can fast-track the implementation of this legislation with respect to those areas. He said, firstly, that he was doing the Real Property Ordinance and I am suggesting that in order to fast-track the thing, go to the established developments because they are small in area, but there are many of them. Attack those first. Then, you can do cities and boroughs. The greatest problem you would really have is in the outlying areas, not so much in the cities, but in the counties, where there are people owning the land but they do not have documentary title. With respect, I am suggesting that is one method of fast-tracking.

I have also spoken to the Government about reducing the title period. Previously, it was 40 years; now it is down to 30. There is no reason why we cannot reduce the title period to 20 years. There are some leases, like some government leases that go to a maximum of 30 years, but you can have, not a separate register because you have a register for that, but when you are searching for a title, you can go back to 30 years for your information. If the Government

were to say, okay, from a particular date you bring the appropriate legislation that common law titles would be for a period of 20 years, because it was 40 years reduced to 30 years and it can come down to 20 years. Again, that is one way of fast-tracking the implementation of the legislation; reduce the title period so that you do not have to go way back into those books.

As I said before, you know the state of the books. If you reduce the title period, it will be easier for the staff who are doing the photocopying and the imaging, and reducing all these things onto computer disks. It would be easier and faster for them to collate that information because within the last 20 years, the information is there. Some of the books are still in pretty good shape. It is when you get further than that, the books are all torn and tattered. That is another method that can be looked at.

Finally, Mr. Speaker, let me take this opportunity to say that we on this side support the legislation. It has been long in coming. It certainly will redound to the benefit of all citizens having to deal with land transactions. The objective is to make the procedure simple so that we have no difficulty in supporting the legislation. With respect, we on this side are available for any assistance we can render to the Government in implementing this.

Before I take my seat, I spoke earlier of the stalwarts in the registry and I end by giving high regard and respect to the people who are at present employed down there, because as you know, Mr. Speaker—I am not sure how often you go down there—it is bad; it is really bad.

2.25 p.m.

Some offices are air-conditioned, some are not; the ceiling is falling apart; the wallpaper is coming out. Yes, it has been as a result of neglect over the years by successive governments. I am not into blaming governments. I am into suggesting to the hon. Minister that for the time-being, while people are there working at the registry, make it as comfortable as possible for them to continue the good work they have been doing there. There is a dedicated staff at the Registry and I think they deserve the support of the Government and all those who use it.

There will always be situations where people go into the Registry and tear off documents. I hope that in the new Registry there will be some system whereby the public access to important documents would not be as it is now. The system downstairs has improved in terms of the public going into the Registry and having access to the public books. There are guards and so forth. Still, I do not think that is a deterrent. I think that somebody can get past the guard, go in there and

destroy and cut documents. That has been known to happen. It places a very grave difficulty on practitioners using those books when they have to contend with that sort of thing.

Mr. Speaker, I wish to thank you for the opportunity and assure the Attorney General of our support in this piece of legislation. *[Desk thumping]*

Dr. Keith Rowley *(Diego Martin West)*: Mr. Speaker, I enter this debate with some cynicism, because as my colleague from San Fernando West has said, this piece of work has been in the pipeline for a very long time, and I think a number of administrations have identified it as something that, upon completion and implementation, will make some significant improvement in the management of our land assets.

I want to come back to this whole question of the land as an asset in a moment. Before, I want to draw to the Attorney General's attention a few points with respect to specifics in the various Bills. I hope that when we come to committee stage, maybe we can make a couple of changes there.

If I may start with the Registration of Titles of Land (No. 2) Bill, I have a couple of points I want to raise with respect to how—well, he did tell us about the state of readiness and I take the point. I was very pleased to hear that a number of things were happening internally in the various departments to be able to make these things work because without considerable progress on those internal fronts, the intention, as anticipated here, cannot be accomplished.

Even as we pass these bills here, the internal works will have to progress expeditiously and, fortunately, the technology is available today to allow us to make quantum leaps, whereas 10 years ago, what would have seemed to be monumental is only a matter now of a simple piece of software. So, in a way, we could say that maybe nothing happens before its time, but now is as good a time as any to do this, and I am sure that very good work can be done.

I want to make one point taken from my colleague from San Fernando West. This question of people tampering with the hard copies in the Registry, insofar as we have not been able to prevent that from happening, in such an area where such important documents are made available to the public and people who work there, it appeared to be, from what I was hearing over the years, that it would have been relatively easy to put close circuit cameras in those rooms which would record what goes on in there. This would prevent or identify persons who damage, deface or steal hard copies. That appeared to be a simple solution which was never done. Again, I am not going to get into who did not do it, but I am saying that would have been a solution to that problem.

Now we are going to a computer generated system, I want to point out that it would also be possible, unless proper security codes are used—and proper safeguards for the security of the information are an integral part of this new system—such a system would also be open to tampering and, in fact, to persons who know how to use technology, it might even be easier to tamper with those systems, because the software permits very easy manipulation.

Graphic technology is such that, for example, now we are talking about a specific parcel of land which would show up on manipulation. We have to have proper electronic security on this system, because it would be easier to wipe out the system, adjust the system, and amend the system, once the person knows what he or she is doing. So, computer security and safeguard must be an integral part of this Bill. *[Desk thumping]*

Having said that, Part II, clause 6 of this Bill says:

> "No person shall be appointed as Registrar, or Deputy Registrar or an Assistant Registrar unless he is an attorney-at-law of at least five years' standing."

My colleague pointed out, and I agree with him, that not because one is an attorney-at-law, that title makes one a better or qualified person to hold any of these positions, while many of the actions would have a legal connotation.

Nowadays there are some universities which specialize in land management, where people are trained extensively in ways that they end up with degrees in land management, estate management and similar types of qualifications. Such a person trained and experienced would be able to perform in the category of Registrar, Deputy Registrar or Assistant Registrar, therefore, I am suggesting that we not limit the occupancy of those positions simply to an attorney-at-law.

One could pick up an attorney who is marginally qualified. I would not be so unkind to my friend from Caroni East, but it is possible under this. We are saying that one has to be a lawyer to function properly here, but then, he is marginally qualified as a lawyer, no interest or additional training in land management, estate management, land information systems or something like that—especially electronic land information systems—but people who are qualified extensively in those fields, under law, would be denied an opportunity to function in these positions.

I am saying to the Attorney General, given the nature of what is available in terms of qualifications and the functions to be discharged, we should not limit.

Therefore, I recommend that an addition be made at the end of that particular clause 6 where we could add that a Trinidad and Tobago land surveyor or such other person with the qualifications, training and experience in land management and land information systems could be functioning in one of those positions of Registrar, Deputy Registrar or Assistant Registrar.

In clause 20 there is reference to the Condominiums Act, and that Act, to the best of my knowledge, was passed in the House many years ago. If my memory serves me right, it has never been proclaimed, for whatever reason. If this legislation now makes reference to that Act, we will have to amend and proclaim that Act before this comes into being. That is something we will have to take into consideration.

The next thing, Mr. Speaker, on the Land Adjudication (No. 2) Bill, I have a little concern about the demarcation officer. Under Part I clause 2, it says"

> "'Demarcation Officer' means a Demarcation Officer appointed under section 4;"

When we go to section 4, we see that it says:

> "A Demarcation officer or a Survey Officer may at any reasonable time enter upon any land within the adjudication area for the purpose of demarcating or surveying any parcel therein and may summon any person…"

It appears to me that that function could be largely a function of a surveyor. I cannot see who this person is to whom we are going to give the right to go in and demarcate, adjudicate on or, for the purpose of demarcating or surveying any parcels. Therefore, I am saying that we need to amend that, describe that demarcation officer and say that such a person has to be an officer who is a Trinidad and Tobago land surveyor under the Land Surveyor Act appointed under section 4. What we are talking about here is a surveyor. In fact, experience around the region where there is some practice in this and elsewhere shows that many of the problems which arise in land adjudication are of a surveying nature. We really should take that into account.

At Part II, clause 4, we could add at the end: "a full member of the Institute of Surveyors of Trinidad and Tobago" and maybe put a limit—maybe five or seven years' standing—so that no recent graduate could become a demarcation officer. Such a person should have training in something else, I do not know, but certainly, we need to put into this clause the land surveying qualification.

At Part II, clause 6 it says:

> "The qualification for the appointment of Assistant Adjudication Officers, Demarcation Officers, Recording Officers and Survey Officers shall be as prescribed."

It should be specified that the demarcation officers and survey officers shall be Trinidad and Tobago land surveyors registered under the Land Surveyors Act as only such persons are legally permitted to survey boundaries of land. Under the Land Surveyors Act, those are the only persons who can survey boundaries. Therefore, if we are talking about people authorizing the boundaries, we must say that these are the people to do it, otherwise we could have some problems.

As we say that, I seem to recall that there were some problems not too long ago with respect to the bringing on board of locally trained surveyors. If that has not been rectified, the moment is now to ensure that it is rectified, because if this comes into law and goes into practice, the requirement for surveyors will be so great that we need to ensure that an adequate supply of properly trained and certified surveyors are able to come into the system. There were some problems with respect to the entry into the system, and those problems need to be sorted out.

2.40 p.m.

With respect to Part IV, clause 15—appointment of registrar, we need to take into account the possibility of using other people who may even be trained in a superior way to the lawyers who by, dint of professional title, would qualify, and other people who are specifically trained in matters of land adjudication, land management and estate management. One can get a Masters, Ph.D. or Bachelor's degree in some of the best universities in the world, specifically to administer these kinds of legislation. We should not exclude such persons from coming. In fact, it would be very good if we can get one or two such persons to function in these capacities.

Mr. Speaker, having said that, I take it that we are to all be happy about the development of this and all the persons who, over the years, had the opportunity to work on these pieces of legislation should be complimented for their long period of service. I know it was not very easy because this whole question of land is fundamental to good order in any society. That is why I am concerned today. I want to raise that concern in that the state is bringing this development before the House, seeking to treat with land in general. One must understand that the state in Trinidad and Tobago is the largest landowner.

When a government comes to Parliament to do something, one has to give the government the benefit of the doubt and it would be good if one is able to say that whatever the government puts on the table is what is there: what you see is what you get. The record of this Government is such that I have problems in accepting from the Government what it says. Even on a matter like this—with respect to land management and with these Bills before the Parliament. I have to ask, does the Government—as the largest landowner in the country seeking to put systems in place to bring about better management of land and to improve ownership conditions—have an ulterior motive or a hidden agenda? If that sounds far-fetched I would defend myself by saying that I have come to that conclusion to raise that concern because every single significant thing which this Government is called upon to do, we have discovered that there is some hidden agenda, some ulterior motive. All that I am asking today is: is there a hidden agenda, is there an ulterior motive with respect to the Government and land in Trinidad and Tobago? If the answer is "no" then, maybe, the Government should convince me that is so, but I am not convinced.

Mr. Speaker, let us take for example the Government's ownership of land; because the Government owns Caroni (1975) Limited, the Government owns the single largest piece of agricultural land in the country and has, under its direct control, a significant portion of the country's agricultural land asset base. How those lands are to be owned and how they will fall into this system, we do not know. Therefore we will expect that from time to time, the Government will tell us about any development with respect to those lands.

Mr. Speaker, with your indulgence, I want to show you why I am concerned that the Government might have some ulterior motive somewhere. I fail to understand how—I got a copy of this morning's *Trinidad Guardian* which states:

"Caroni to go

Manning says total shutdown by year end."

The reporter reported what the Opposition Leader said: which is that the Government has plans to get rid of Caroni (1975) Limited and sell most of its profitable assets. Apparently the reporter spoke to the Minister of Agriculture, Land and Marine Resources, who is the officer in charge of the Government's land base at Caroni (1975) Limited. It is reported in the *Trinidad Guardian:*

> "But Agriculture Minister, Trevor Sudama has dismissed Manning's claim saying he was just trying to create hysteria…

But the Agriculture Minister said he was not aware of any such document."

The Minister goes on to say:

"…no outright sale is being contemplated and denied that any transaction would be effected…"

He accused Manning of being—

"Manning's claims were 'totally wrong and false and not in keeping with the position of government' ".

The Minister categorically dismisses this idea about the Government having any plan whatsoever of any kind, to deal with any divestment and privatization of Caroni (1975) Limited land assets.

Mr. Speaker, I got very concerned when I saw that. It is on that basis I am asking—as we are treating with land, land ownership and management today—whether this Government is upfront with the people of Trinidad and Tobago. Having read what I have read in the *Trinidad Guardian*, I had in my possession—at the time when I was reading the *Trinidad Guardian*—a document from the Divestment Secretariat of the Ministry of Finance. I presume that if any person in the country would be party to the contents of this document, it would be the current Minister of Agriculture, Lands and Marine Resources who has come out of the Ministry of Planning and Development. *[Desk thumping]* This whole thing about land adjudication, land tribunal and whatever, is all about putting in place major planning initiatives.

One would have thought, if only out of information to oneself, that the ex Minister of Planning and Development, current Minister of Agriculture, Land and Marine Resources, would have been party to what this document contains. Let me read this document into the record so that you can see the basis for my cynicism and why I am saying that this Government must tell this country whether, in fact, it has ulterior motives and whether, in fact, we can trust this Government even as we are treating with these matters. *[Desk thumping]*.

The document I have is dated October 05, 1999. "Divestment Secretariat." It is addressed to the Minister of Finance who has since captured the Ministry of Planning and Development. It says:

"Dear Minister Kuei Tung,

CARONI (1975) LIMITED—EXECUTION OF PHASE II OF THE IMPLEMENTATION PLAN—SALE OF THREE (3) STRATEGIC BUSINESS UNITS

You will find enclosed a draft Note for Cabinet addressing the sale of three (3) Strategic Business Units—the Rum Distillery and the Cane and Rice Cultivation Divisions of Caroni (1975) Limited (Caroni). The proposed sales are part of a programme designed to secure private sector participation in Caroni by December 31, 1999.

It is anticipated that if Cabinet approves the sale of the Strategic Business Units (SBUs) by October 13, 1999 the process of securing the investment banker services required for the sale can begin immediately thereafter. The process will be initiated by Caroni inviting Requests for Proposals for investment banking services from ten (10) firms…To this end Terms of Reference for the investment banking…have already been drafted and forwarded to Caroni for comment."

Mr. Manning: Caroni, the company knows that.

Dr. K. Rowley: The document goes on to say:

"As mentioned above the sale of these three (3) SBUs is the beginning of the phased private sector participation in Caroni. In order to promote efficiency and timeliness in the privatisation exercise the Cabinet Note recommends that the investment banking services contract provide for the possible expansion of the Banker's mandate subject to satisfactory performance and the approval of the Minister of Finance."

2.50 p.m.

It goes on to say:

"The expanded mandate will cover the sale of other SBUs as they are identified and prepared for privatisation...The groundwork for the privatisation of the Cane Cultivation, Cane Processing and Sugar Refining Divisions has already begun.

The Project Management Team has a number of technical issues related to the phased privatisation of Caroni under consideration at the present time. Principal among these issues are:

(i) the design of a Voluntary Separation Employee Programme (VSEP): Cabinet will be apprised of the basic outline of the VSEP and estimated funding requirements by November 15, 1999;

the rationalisation of Caroni's pension arrangements…;

(iii) the reorganisation of Caroni's liabilities: Cabinet will be apprised of proposals for the reorganisation of Caroni's liabilities…by November 15, 1999.

Which today, stands at $1.5 billion—$1,534.6 million—as at November 5, 1999. It is signed by the Co-ordinator of the Divestment Secretariat of the Ministry of Finance.

Mr. Manning: What is his name?

Dr. K. Rowley: The same Jerry Hospedales who did the BWIA transaction. Remember the famous BWIA transaction that was supposed to be so corrupt that we were told about and they wanted to lock up Valley and the PNM? The same Mr. Hospedales is doing this for this Government and the Minister of Agriculture, Land and Marine Resources tells the press and the press publishes it for innocent people, that he knows nothing about any such thing. Mr. Speaker, you understand why I do not trust anybody in the UNC Government! *[Desk thumping]*

I ask the question again, that even as we give the benefit of the doubt to these three pieces of legislation, which we support, the Government must tell us: Where is the ulterior motive?

Mr. Speaker, I also have in my possession another document. Even though this is dated October 5, 1999, the Minister cannot claim that he is too green, or as my friend from St. Joseph would say, he is suffering from newness in agriculture *[Laughter]* because he has only been there a few weeks, but he had been in the Ministry of Planning and Development. I have a document here called *Implementation Plan for Phased Private Sector Participation in the Operations of Caroni (1975) Limited*. Mr. Speaker, remember, Caroni (1975) Limited is under state control of virtually all the land of any agricultural value in Trinidad; keep that in mind. We have here an implementation plan for the private sector by a Cabinet-appointed committee called CAC. I have here a document dated July 21, 1999. This thing has been going on since April. The Minister of Agriculture, Land and Marine Resources, who was a member of the Cabinet and ex-Minister of Planning and Development, tells the press, and what did he say? That Manning was creating hysteria and he added, no outright sale, and it is totally wrong and false and this Government is involved in no such thing. Yet, since April, this matter was having the attention of the Cabinet and a Cabinet-appointed team, all here, under Jerry Hospedales, Co-ordinator of Divestment Secretariat; William Daniel, Deputy Co-ordinator; Sandra Warner, legal counsel, public servant; from the Ministry of Finance: Jaggernauth Soom, Director-Agro-based Manufacturing

and Services Sector and Margaret Parillon, Senior Business Analyst; from Caroni (1975) Limited: Joe Ramkissoon, whom we know about very well and Sharma Lalla from TCL, he is now at Caroni; from the Ministry of Agriculture, Land and Marine Resources: Motee Ramsaran, of Susan Harrysingh fame; and Trevor Murray, a public servant. This is the Cabinet-appointed team with their signatures here, having submitted to the Government an implementation plan for privatization of Caroni (1975) Limited.

Mr. Speaker, whether or not Caroni (1975) Limited is to be privatized is not the issue here. The issue is: Can we trust the Government of Trinidad and Tobago, even with the land adjudication? *[Desk thumping]* Why would a Minister of Government, like the Member for Oropouche, not speak the truth to the media when confronted with the facts yesterday? What does the Government have to hide?

To quote a few points from this document, just to reinforce what I was saying. Since April 8, 1999—*[Crosstalk]* Mr. Speaker, you hear them over there? My concern is more than that. It is not only a matter of recommendation, it is being acted upon and it has been acted upon. Let me demonstrate. He said here, I mentioned in the letter:

> "The groundwork for the privatization of the Cane Cultivation, Cane Processing and Sugar Refining Division has already begun."

In order to effect the programme, there are 10 companies listed in the letter of October 5, 1999—all major business houses—a list of persons to be invited to provide investment banking services. This document says that Ernst & Young has already been hired. So it is not a question of recommendation, action is being taken on the matter. In the document it says that Ernst & Young has already been hired and the fee for Ernst & Young is $1.066 million. There is so much speed that the recommendation is that—that money should have been paid from an IDB loan but since that money will come a bit slowly, the Ministry of Finance is providing that fund to speed the process along. On page 2, as they take steps it says:

> "However, in light of the decision to expedite the process, Ernst & Young was engaged;"

Mr. Speaker, the ex-Minister of Planning and Development also said, not only is Manning talking foolishness about Caroni (1975) Limited about having a reduction in staff, but the Government's plan is to increase the staff at Caroni (1975) Limited. He said so. Let me tell you what this document says and why I

am cynical about anything, no matter how simple and straightforward it looks—Land Adjudication (No. 2) Bill, the Land Tribunal (No. 2) Bill, and the Registration of Titles to Land (No. 2)—I have a cynical view of this Government. The ex-Minister of Planning and Development says it is his Government's intention to expand Caroni's staff. Listen to what Appendix II in the Government document says. The recommendation is:

"Structure employee buy-out or severance arrangements."

Mr. Speaker, employee buy-out and severance arrangements as part of the bar chart of action to take place does not result in increasing employment. *[Desk thumping]* That comes under the sub-head of "Sale of Subsidiaries". So, the Government well knows that as the recommendation for sale of subsidiaries comes before the Government, it automatically means reduction in staff. The ex-Minister of Planning and Development, the current agriculture Minister, confronted by the press, took the easy, slippery way out: that it is not true, the Government is considering no such thing. They have a high-powered team working for the Government with a mandate as described here.

In fact, Mr. Speaker, to further entrench my cynicism, the Minister of Agriculture, Land and Marine Resources, himself in charge of Caroni's lands, recently made a statement which could only have come from this document. He made a public statement recently about cane prices and subsidies to cane farmers and it must have come from this document. One of the things its says here is that the Ministry of Foreign Affairs will do certain things, and one of them is to prepare a status report on the price of cane paid to farmers and the existing price of sugar sold to local manufacturers, with appropriate recommendations with respect to the possible introduction of market pricing mechanisms. The exact statement made by the Minister of Agriculture, Land and Marine Resources a week or so ago to the public. So when I tell you it is already being implemented, it is not a question of a recommendation for consideration, the Government has moved ahead on this matter.

Mr. Speaker, I do not know who they are fooling, because in the document, they said that the unions were involved in this, but I seem to recall reading the newspaper and certain union leaders were saying that while they spoke to us, we do not know what they have put in their report. Well I will tell them now: come see me, I have the report. The report is all here because the Government will not tell you! *[Desk thumping]*

Mr. Speaker, land is a very important thing. Land is so important that sometimes, some countries, their entire social fabric, their economies hinge or

become unhinged on how land is managed. I do not know what this Government intends to do outside of the Bills in front of us here, but as managers of the state's land, I am not particularly worried about the Bills before us, because these are good Bills, they would apply to land across the country. So, there is no problem with how the private sector land management would be improved by these Bills when they are brought into force. But the concern for land management *in toto* has now to be focused on what is to become of the land under the Government's control and, if the Government is so untrustworthy as to be operating in this underhand manner, I fear that these three Bills will not undo the damage that will be done with respect to land ownership in this country if the Government is allowed, as a thief in the night, to handle the Caroni land base in the way the Government is proceeding.

The lands under Caroni's control, agricultural and other land, are held by a state company on behalf of all the people of Trinidad and Tobago *[Desk thumping]* All the people; from Charlotteville to Erin, from Rampanalgas to Carenage. This Government must get out of its mind that it can dispose of those lands in a way that would prevent the vast majority of persons from benefiting from any such action. Because one of two things is going to happen.

We see in the same document that they have denied ownership or knowledge of, they made reference to hiring a particular law firm, De Nobriga Inniss, to speed up something that did not need speeding up, the Agricultural Small Holdings Tenure Act. When I was in that Ministry, one of the things we were pursuing was an amendment to the Agricultural Small Holdings Tenure Act and it was part of the IDB requirement in order to proceed with the loan that we were pursuing and upgrading our land management systems. Four years and we are into the second minister, and the amendment of the Agricultural Small Tenure Holdings Act has not seen the light of day, but in this document I am seeing that they have hired a law firm, De Nobriga Inniss, with a mandate on page 16:

> "De Nobriga Inniss and Company, in consultation with the CAC, complete by August 31, 1999, a review of the Agricultural Small Holdings Tenure Act (ASHTA) so as to propose, where necessary, appropriate amendments to effect the transfer of lands to sugar workers and cane farmers..."

3.05 p.m.

The Government has not outlined any known policy to the public as to how these lands are going to be transferred to cane farmers. I am left to wonder whether, in fact, it is a situation where, at TSTT, the workers there are saying, we

work here so we must own a piece of the profits, or whatever; at WASA, they would own a few pipelines; at T&TEC they would own a few poles; and at Caroni (1975) Limited, they would own a few bits and pieces of land in which to grow cane. Is that the kind of policy this Government is pursuing?

If the Government is going to embark on such a major development, the least the Government could do is to outline policy to the country, for the benefit of public debate and get acceptance. But to come as a thief in the night, and act upon it and lie about any knowledge of it, is certainly not the way to go! Whatever good that could come out of such an action will, most certainly, be transformed into unpleasantry. I warn this Government to hasten slowly and honestly on this matter. We want to let the Government know that, because they brought before us a few Bills that we are going to support, we are not going to turn a blind eye to their nefarious activity with respect to the distribution of state land across this country. *[Desk thumping]* We are not going to accept that. We want to know your policy.

Can somebody tell us whether De Nobriga Inniss is on board, and what they are doing? This document talks about a target date of July 21, 1999. One is led to ask if that target date was met. When one looks at the documents, the document of October, followed on from this document of July 21, 1999. So action clearly is being taken, flowing from one position to another and the Government is silent, secretive and, in its usual way, very distressful.

Since the Government is not going to tell the public about these things, somebody has to, and we have to tell this Government that this approach will not do. It sounds outrageous to think that my cynicism could have any foundation. Can a Government be doing something like that? Unfortunately, the answer is "yes". Can these major developments be done within the time frame, as suggested in the document? The answer is that the Government could try.

You must recall that this Government wanted to privatize TSTT shares, NFM shares, and Tringen shares in one month. Some time in September or thereabouts, we got up one morning and heard an official statement from the Government, that it intends to create a company call National Enterprises Limited (NEL), to be put in place to sell shares to the population in these major enterprises in a time-frame of one month. The same people in the country said to the Government, it could not be done and if one tries to do it, it would be irresponsibly done, but the Government's intention was to do it in one month.

Therefore, when I look at that experience and compare it with what is written here for Caroni, why am I to believe that, as the document says, these things

cannot be done by December 31, 1999? The Government has signalled its intention to rush through things even to the detriment of the country. On August 01, we had no desalination plant; by Independence Day we had one. In one month, this country went from 80 inches of rain per year to a drought. We are now having to make water from the sea.

So all those who believe that this Government should be given kudos for bringing to the Parliament land management legislation, to improve land management in the country, ought not to be deceived that somewhere in this; somewhere under; somewhere behind; this Government always has something to hide! They cannot be trusted! *[Desk thumping]* It leaves me to ask—I am not accusing, I am just asking the Attorney General—how long did he have these Bills in a position to be brought to the Parliament? It might very well be that these Bills were available for quite some time, and the timeliness with which they are being brought now, is simply to cover what they propose to do with the largest pieces of land in the country. The Government is devious and their minds work in that way!

"Let us take to Parliament the Land Tribunal Bill and the Land Adjudication Bill. There is no way anybody in the Opposition who is responsible, would not support these Bills. While they are in a feel-good arrangement with those Bills, we would allow this implementation group to proceed to take action unnoticed with respect to the Government's responsibility for managing Caroni (1975) Limited." That is the work of a devious mind in a devious administration. *[Desk thumping]* Everything they do, that is how they operate. They are having a budget debate, you ask a million questions, they answer none, and they use the majority to curtail the debate with some Cabinet reshuffle and take away what little my Friend from Arima is saving himself for. The Bible says, "For unto every one that hath, shall be given…but from him that hath not shall be taken away even that which he hath." *[Desk thumping]* That is how it is.

Mr. Speaker: The speaking time of the hon. Member has expired.

Motion made, that the hon. Member's speaking time be extended by 30 minutes. *[Mr. P. Manning]*

Question put and agreed.

Dr. K. Rowley: Mr. Speaker, this is not the first time that we have had this problem: the untrustworthiness with respect to Caroni (1975) Limited. I remember it was last year or the year before, I made a public statement outside of this honourable House that the Government had commissioned a report from

Price Waterhouse with respect to the condition of Caroni's finances and that report had shown that Caroni ran up liabilities to the tune of $700 million at the time. That was two Julys ago. The Chairman of Caroni (1975) Limited went on national television and denied the existence of such a report. The then Minister of Agriculture, Land and Marine Resources, well known for his fancy footwork with the truth, claimed to have no knowledge of such a report. A few weeks later, the Government had to admit that there was a Price Waterhouse Report and certain recommendations were made.

3.15 p.m.

What is worse, Mr. Speaker, at the time we were talking about $700 million in liability being hidden and disowned; the Government has in its possession now a document of October 5, that tells the Government that Caroni (1975) Limited's liability has now risen to double what I was saying two years ago. I was saying $700 million two Julys ago from the Price Waterhouse report, and just as Price Waterhouse predicted then that if nothing was done and action not taken with Caroni (1975) Limited, it could run up a minimum annual liability of at least $200 million a year, and so said, so done. So the real liability is now reported to the Government as $1.5 billion.

When the budget was presented the Minister of Finance must have known this, and all those in the Cabinet must have known this; not a word whatsoever about this development, except to tell us that they are expecting some plan on Caroni (1975) Limited when, in fact, they had the plan already in their hand. [*Desk thumping*] They had the plan since July 21. [*Interruption*]

Mr. Speaker: I am trying to connect several things that you are saying—exciting though they may be—with these three pieces of legislation. I may be wrong, but I do think that we are going away from these three Bills. Not because something deals with land, because we are discussing the Land Adjudication (No. 2) Bill, the Registration of Titles to Land (No. 2) Bill and the Land Tribunal (No. 2) Bill, anything at all that has to do with land could be mentioned.

I have listened to you. You are very engaging, but I am not too sure that this is the place for the things you are talking about. I think that we are veering away from the instant debate and I would like to bring us back on track, please.

Dr. K. Rowley: Thank you, Mr. Speaker. I am not surprised that you had a bit of difficulty following, because I myself had difficulty, when I saw the Member's position. If you permit me to come back, the point I am making, and I am not to belabour the point, but for the benefit just to show what I am saying, the Bills

before us are items for which we on this side are responsible. We worked on those things and, therefore, we must support them. But I have this concern that whatever this Government does I have to look behind it, good as it may be. In this case, the Bills deal with the management of land and systems for management of land, and the Government being the owner of significant parcels of land in the country, I had to look behind to see what the Government was hiding because I know they have to be hiding something, because they are always hiding something. [*Desk thumping*]

Mr. Speaker: I have listened to the explanation—

Dr. Rowley: And you are not convinced.

Mr. Speaker: I think it is specious. I think that we are off course and I ask you please, could we concentrate a little more on the contents of these three Bills.

Dr. K. Rowley: Mr. Speaker, I think I have expressed myself on the points I wanted to make. [*Desk thumping*]

Mr. Speaker: Order please.

Dr. K. Rowley: Since I am having difficulty convincing you, I do not think I should try to convince anybody else, because I know that you are the easiest person in this House to convince. [*Laughter*]

Mr. Speaker: Now, I do not know whether I must take that as a compliment or not.

Dr. Rowley: It is a compliment.

Mr. Speaker: All I am saying is that I am not sure how I should take it. Do you understand? For the time-being, if you leave the Speaker out, that would be in order.

Dr. K. Rowley: I would like the Government to take the points that I raised with respect to the specific clauses, and with respect to not limiting the posts to lawyers, and I most certainly would like the Government to get up here this afternoon and tell us what is the story with respect to Caroni (1975) Limited and why the Government has to be hiding from the country while the Government is manager of the state lands at Caroni (1975) Limited. [*Desk thumping*]

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. Speaker, I really had no intention of participating in this debate; of course, having been provoked by the Member for Diego Martin West, he still seems to be smarting under his four years of non-accomplishment in the Ministry

of Agriculture, Land and Marine Resources under the People's National Movement's regime. [*Desk thumping*] He is suffering from a sort of "tabanca" as to his tenure in those four years. He accomplished nothing; he was incapable of accomplishing anything. There was no significant achievement during his four years of tenure, but every time he gets up, it is to talk about agriculture and Caroni (1975) Limited, as if his mind is so obsessed with that and what happened then: his incredible degree of incompetence and non-performance as the former Minister of Agriculture, Land and Marine Resources.

Mr. Speaker, when I listened to the Member for Diego Martin West, I believed it was continuation of the Dangerous Dogs Bill which we, of course, debated some time ago, and on which apparently he seems to have some expertise, having been given a certain nickname. But when you consider the content of what he had to say, he said nothing. I will come to Caroni (1975) Limited, but let me first of all put this whole question of the involvement of the state in economic activity, the role of the state, into context. [*Interruption*]

I want to break your silence. I do not want you to talk at People's National Movement's convention only where you make wild promises and allegations. You seemed to have gone wild.

Mr. Speaker, let me, as I said, try to put this in context. I think from the days of the NAR government followed by the PNM and now the UNC Government, we have agreed that as a general principle the role of the state in direct economic activity will be reduced. That was their policy. They followed the NAR policy to the letter. [*Interruption*]

Mr. Manning: I thank the hon. Member for giving way. The PNM's policy is very specific and is not half as simple as you are saying. The PNM, in terms of economic activity, the state's involvement in economic activity, sees a continuing role in industries that are of strategic importance and that has to be defined. It is not as straightforward as the hon. Member is saying. If he does not understand PNM's policy, for heaven's sake, he should try not to tie us up in his arguments.

Hon. T. Sudama: Up to today, they have not defined strategic importance. He does not know what is strategic from what is non-strategic. What is BWIA, strategic or non-strategic? The chemical plants at Point Lisas, strategic or non-strategic? The Public Transport Service Corporation (PTSC), strategic or non-strategic? Tell me, they do not know, they want to confuse the public. National Fisheries, strategic or non-strategic?

Mr. Speaker, we have agreed and their government has, over the years, divested itself of interests in commercial enterprise. In state enterprises one after the other they have divested and sold off simply because there is a realization that, except for certain cases of extreme urgency or importance where the government must have a direct stakeholding, the role of the government has been expected to be one of a facilitator of business and economic activity. This was said time and time again by the Member for San Fernando East speaking on behalf of the PNM. Therefore, as we look at the state enterprises in Trinidad and Tobago, the question we have to ask is: what is in the best interest of the country and whether the Government should be directly involved in the ownership and management of state enterprises and to what degree?

We have seen over the years, despite the best efforts of so many governments since Caroni (1975) Limited was taken over, all attempts at making it viable have not been successful. Caroni (1975) Limited has had to be supported by the Treasury in varying degrees over the years. Therefore, it is the Government's view that if we are going to make any significant change in the fortunes of Caroni (1975) Limited we ought to engage private sector participation in that company. Now, as to the form of that participation, I want to make this clear here today, the Cabinet agreed that this matter would be studied and a divestment committee would look at the options and alternatives. No decision has been made with respect to the form of private sector participation in Caroni (1975) Limited. That report is still to come to us, and when we get that report then we will look at it and see what is really in the best interest of all the stakeholders and the country at large, and then to proceed with such a programme

The Member accuses me of not knowing outright about Caroni (1975) Limited and how we are trying to hide things. Mr. Speaker, it is in that context of reducing state involvement, of getting the private sector to participate since, apparently, the management skills which they bring to bear and their stakeholding in economic activity will point in the direction of greater financial viability.

The role of the state, particularly in agriculture, has not really been successful anywhere. If you look at the Soviet Union, we have had the collapse of that whole economy and the state's involvement in the agricultural sector seemed to have not been in the best interest of that country. Now, we have a situation we have inherited with Caroni (1975) Limited and we have got to deal with this restructuring programme in a way, as I said before, which creates the least dislocation, which looks after the interests of all concerned and, particularly, the interests of those engaged in the industry: the workers, farmers and so forth. This is what we are about.

I did say, in the same report from which the Member quoted—I said it over and over again—that the Government was seeking private sector participation in certain aspects of the industry, like citrus, rice and the distillery division. We have said that over and over again, since I assumed office as Minister of Agriculture, Land and Marine Resources, so I am not trying to hide anything from the public. I also said that the matter of the strategic business units, particularly these three, is under consideration and the report of the Divestment Committee will be brought before us. It has not as yet been brought before Cabinet. When it comes before Cabinet then that report and the options proposed will be subject to the most extensive discussion. That is the position as it is.

3.30 p.m.

Mr. Speaker, when I read what the Member for San Fernando East said—the headline in the *Trinidad Guardian* says: "Caroni to go Manning says total shutdown by year end". If this is not a statement to create hysteria, I want to know what is. This is really a political statement and he is trying to see if he can whip up any support among the employees in the sugar industry, and saying that if his government ever comes into office he will take care of the people and so forth.

We know how many persons are involved in the sugar industry and we know what plans we have to deal with any dislocation and social mitigation measures which may have to be put in place in order to deal with the restructuring and fall off of the restructuring in which we are engaged. I have been speaking to the union and telling them this in no uncertain terms. I do not know whether he spoke to the union at all, but I went to them, I did not ask them to come to me. I went to them because I thought it was necessary to have direct communication with the people who are presently involved and there are going to be further ongoing discussions with the unions, and the farmers.

They argue that I stated that there will be more employment rather than less employment. I said that on the grounds that should these activities become viable, and we expand production in citrus, rice, and get into processing and so forth with respect to citrus and go further downstream on rice, and create more products in the distillery division, then the chances are that more employment opportunities will be created. It is on that basis which I made that statement. I do not know if they do not understand what they read or hear.

Mr. Speaker, this matter about saying untruths and not being aware and so forth, as I said, is a continuation of the Member's old style of trying to see a ghost behind everything. In everything there is a hidden agenda. The same way he had a

hidden agenda in order to try to topple the Member for San Fernando East, now he sees that agenda in everything else.

To show the contradiction in the position taken by the Member for San Fernando East—sometimes I wonder if they understand what they say, or if they understand the meaning of their proposal. He is saying that they are going to mechanize cane cultivation and that only lands which are subject to mechanization will be kept in sugar cane cultivation. There are two things. Not all of Caroni (1975) Limited lands are subject to mechanized processing, therefore, if you are going to confine your attention only to those lands subject to mechanization, what is going to happen to the rest of the lands and the workers who will be rendered unemployable? Mechanization means you are reducing the labour force; you are putting machines to do the labour, that is what mechanization is all about. *[Desk thumping]* So they are going to reduce Caroni (1975) Limited's cultivation just to those lands which are subject to mechanization. I want to know what is going to happen to the workers and the rest of the lands, what plans the Member has for Caroni (1975) Limited. In one breath they say so, and in the other breath they are protecting the workers of Caroni (1975) Limited.

Then they have this idea about making the factories at Brechin Castle and Ste. Madeleine fully automated. Big chief economist Manning. Fully automated. Does he understand what automation means? It means you are reducing labour, that is what it means: that automated processes will take over what people were doing before. What are you going to do with these people who become retrenched, who would become superfluous when you have two automated factories and only mechanization on the fields? That is their great and grand provision for Caroni (1975) Limited. I want this House to understand the foolishness the PNM speaks in order to try to make a political ploy to sugar workers and the other stakeholders. Foolishness! Mechanization and automation. And what will that do with the labour force? Only the Member for San Fernando East could tell us. He is here now, so I will repeat what I was saying, that is: that when you mechanize you are going to reduce the labour force. What are you going to do with those workers who are no longer needed in a programme of mechanization? Only lands which are subject to mechanization will Caroni (1975) Limited cultivate. That is what the Member said at the Convention. Then you are going to have two automated factories at Brechin Castle and Ste. Madeleine and when you have automation you are going to reduce drastically the labour force in the factories.

Mr. Speaker, there are factories today which are so automated that one person could sit in a room and direct the operation of a whole factory. Is that what the Member for San Fernando East has in mind for Brechin Castle and Ste. Madeleine? One person sitting in a room, it is all computerized, all automated, and the rest of the workers at Ste. Madeleine and Brechin Castle have to go where? To Balisier House? Where would they go? The concern for the workers, the interest and the welfare of the workers of Caroni (1975) Limited. I want to dismiss the foolishness that he speaks at his convention where, of course, nobody can talk back so he talks to a captive audience where they cannot really question the nonsense he speaks and the implications to Caroni (1975) Limited.

Mr. Speaker, we are committed to private sector participation in Caroni (1975) Limited. We have said so on a number of occasions. We are committed to getting private sector equity into Caroni (1975) Limited and, of course, to get the benefit of private sector management in an enterprise which we wish to turn around. What will be the form of that ownership is something on which we would have to decide. No decision has yet been taken on that, and we have seen the benefits of private sector management in so many industries. You would recall Caribbean Ispat Limited under their watch—and that is how the country's money used to go. Ten years after this industry was brought into operation it was losing $1 million a day under the PNM government's responsibility when ISPAT was a state enterprise. The reason for that was that they had to put all their cronies in every division of ISPAT, on the board, and in every management area in ISPAT; their cronies who were not involved in managing a steel industry but were involved in seeing how they could promote their own private interests had to be there. When the steel mill, ISCOTT, was turned over to ISPAT, immediately in the first term of the lease, the first five years through new management, they were able to turn around the fortunes of ISPAT and after five years, were in a position to make an outright bid for its purchase. There is no question as to the role of private sector management and the benefits we would hope to achieve in the successful managing of operations in the economic sphere. The Government has stated that position and wishes at this point to restate it with respect to the lands at Caroni (1975) Limited.

Mr. Speaker, they had agreed that more and more of the cultivation of sugar cane will be done by farmers. Who are farmers? Farmers are people in the private sector so their proposal which involved greater farming cultivation of sugar cane meant that they were going to have greater private sector participation in the cultivation sphere in Caroni (1975) Limited. I think, if I am not mistaken, they

had proposed a 75/25 percentage: seventy-five per cent of the canes will be produced by farmers and 25 per cent by the sugar company. What does that mean? It means that more and more people who are private farmers will be engaged in the cultivation aspect of the sugar industry, and when we look at the figures, it says that cane farmers are able to cultivate sugar cane more efficiently than a state-owned company called Caroni (1975) Limited at a lower cost.

Mr. Speaker, in the exercise of divesting some of Caroni (1975) Limited's lands to private farmers, there will be an appropriate lease arrangement that the state will not be selling the lands outright. It is going to divest for the purposes of sugar cultivation. They will have long-term leases with certain clauses in those leases which will ensure that lands remain in agricultural production. We have already started on this programme of regularizing people who are occupying Caroni (1975) Limited's lands and providing a tenancy for them and then we are going to go into an accelerated land distribution system by way of lease for the purposes, as I said, of involvement in agriculture. So this hysteria they try to whip up that we have some secret agenda in order to deal with the lands at Caroni (1975) Limited is all for electioneering purposes and, of course, everybody sees through this. *[Interruption]* Leadership struggle? Who is he fighting with now?

Let me indicate that we have said that what we are looking at for Caroni (1975) Limited is to have it as a holding company and all the economic interests converted into strategic business units, so that there would be a number of divisions in Caroni (1975) Limited. We are looking firstly at the rice division, the citrus division and the distillery division for their conversion into strategic business units with a plan and programme for them. There is no time line decided and I see his hysteria goes on to say that there will be a total shut down at Caroni (1975) Limited by the year end. We will look at this and will be proposing what we will decide upon and then implement it.

Apart from this, there are other things that Caroni (1975) Limited does. It is involved in sugar cultivation; sugar processing; refining; it is also involved in beef production; dairy production and indeed aqua culture. These are some of the other activities which Caroni (1975) Limited would attempt to restructure into strategic business units and then decide on how the strategic business units will be utilized, and the ownership structure of the strategic business units, all with the intention of making the industry and these economic activities more viable, reducing the dependence on the Treasury of Trinidad and Tobago and putting lands into the most viable production, maximizing the potential of these lands and today they

are talking about inter-cropping to maximize the potential of an acre of land under agriculture.

3.45 p.m.

Mr. Speaker, inter-cropping has been practised by farmers in this country from time immemorial. The Member for San Fernando East has suddenly caught up on the idea of inter-cropping and that is his great vision. That has been ongoing. We have a programme in the Ministry of Agriculture, Land and Marine Resources to accelerate inter-cropping. For example, citrus with sheep rearing, corn cultivation in the sugar-cane fields, corn and other vegetables with rice cultivation as inter-cropping. This has been done before and it is going to be pursued. Suddenly, we are hearing about inter-cropping. What we are not going to do is mechanize the inter-cropping; PNM would do that and automate the inter-cropping.

Mr. Speaker, our role as we see it in the Ministry of Agriculture, Land and Marine Resources is to do whatever is possible to facilitate production by the farmers that they produce more and become more self-reliant with respect to food production, and that it is done in a cost efficient manner; increase production, make the lands more productive and maximize their potential and do so at least cost. I have said it before that we cannot be unaware of what is happening in the global environment.

There is globalization and the whole question of markets not being protected under the World Trade Organization Rules. For example, we have had the situation with bananas, where the World Trade Organization has declared that banana producers should no longer enjoy a preferential market in Europe. The Caribbean region and other regions are fighting this issue. What eventual success we would have, we do not know. The sign is on the wall and the sign is, with the pursuit of free trade with globalization, free movement of goods and the whole issue of subsidies being frowned upon, if we are to survive at all, whether on our manufactured products, or with our agricultural products or with our services or any other thing that we produce, we have to become more and more efficient and more and more competitive.

Mr. Speaker, our role in the Ministry of Agriculture, Land and Marine Resources is to see how we can make outputs from the agricultural sector more efficient. You see, we do not only have to be efficient and quality conscious in terms of what we are exporting. We now have to be efficient and quality conscious in respect to our domestic market because we cannot protect ourselves

for very long behind tariff barriers. We cannot have quotas anymore under the new rules and under the developments taking place in the national economy. If we cannot do that, then we have to be able to survive, not only in our domestic market but, of course, in the export markets and the niche markets which we are targeting. No Government, PNM or otherwise could change those rules. We have to live by those rules. We are a small player in this whole network, and our only recourse is to get together with countries in a like situation, and see what we could do to bargain and gain some respite, as we put all the sectors of our economy in order, including the agricultural sector, and part of the agricultural sector is Caroni (1975) Limited of Trinidad and Tobago. So this is what we are about and engaged in.

Our focus as against what the previous PNM regime was focussing on is the farmer: how we can provide the infrastructure for the farmer to facilitate his products; how we can get technology transfer for the farmer; how we can facilitate the farmer in the export market and domestic market for that matter; how we can educate the farmer so that he becomes conscious of the ways of the world. This is what the Ministry of Agriculture, Land and Marine Resources is all about—to create the infrastructure in its widest sense: whether we have easier access to credit for the farmer; whether we provide the physical network of roads, water management and the proper seeds and so forth that is required.

Mr. Speaker, I am saying this, in response to the Member for Diego Martin West, and the concerns he raised about the future of Caroni (1975) Limited, as a significant landholder in Trinidad and Tobago. Obviously, if we are going to have private sector participation, then the issue of ownership of land has to be determined. You cannot say that you are going to have private sector participation in the agricultural sector or in Caroni (1975) Limited, and say, you know, land has to be a separate issue. Land is tied up with it because it is the basic asset that we are using in agriculture and, therefore, how land would be managed has to be the subject of private sector participation and we are clear on this matter.

So, I have merely stated that I would just make a brief intervention in this debate, merely to clear up a number of matters raised by the Member for Diego Martin West and, as I said, he has a little “tabanca”. In his four years as a minister nobody ever commended him for anything in the Ministry of Agriculture Land and Marine Resources and he suffers from that. He goes to the press and writes a long article about me saying that I am spreading rumours and falsehood. I never said that I was the first Minister of Agriculture to visit the Agricultural Society. It was the President of the Agricultural Society who said that. I did not say that. So,

if the Member says it is falsehood, let him go and deal with the President of the Agricultural Society. I never said that. It is my duty to go to the various stakeholders and speak to them. I just thought I would make that clarification.

Mr. Speaker, the issue of surveying has come up and I want to say something about that. As you know, we are strengthening the Lands and Surveys Division and providing all the ingredients so that land would be more easily identifiable. We have already commenced mapping on three priority areas and that will serve as back-up database in order to expedite the transfer of lands and identify land ownership.

At the moment, mapping has commenced in those areas and for the rest of the country, we have a programme where we have already invited interested parties. The procedure is going through the Central Tenders Board and, therefore, we would be awarding the contract for the rest of the country very shortly. Very soon or perhaps by next year or the end of next year, that database would be in place to facilitate land transfer and other transactions with land.

Mr. Speaker, as you know, we are strengthening the various divisions and registration of land. What this Bill requires is a thorough strengthening of that registration function in land. When that is done and we set up the land tribunal and the land adjudication processes, we would be putting the whole issue of land, land title, land ownership and land transactions on a more effective footing, and that would facilitate economic growth and would relieve many people of the frustrations they encounter, in trying to effect land transfers.

As you know, the market decides how land sales go and, therefore, we will be facilitating the business sector as, indeed, all landholders in Trinidad and Tobago.

3.55 p.m.

So, Mr. Speaker, with those few words I fully support these measures in the three Bills before us. It has taken a while for these Bills to come to the Parliament but these are very complex issues that we are trying to address. However, they are here before us and I am glad to hear from the Member for San Fernando West that, at least, he is supportive of these Bills. I do not know if he speaks for the other people on that side but he is supportive of it, he knows the importance of these Bills and the importance of the measures and the framework that we are putting in place. So, thank you very much. [*Desk thumping*]

Mr. Patrick Manning (*San Fernando East*): [*Desk thumping*] Mr. Speaker, I stand in support of the measures in the three Bills that are before this honourable

House at this time. Particularly, I intervene in this debate to support my colleague, the Member for Diego Martin West, in the very lucid exposition that he gave to this honourable House this afternoon [*Desk thumping*] disclosing, as he did, many of the real intentions of the Government of Trinidad and Tobago in circumstances where it is becoming increasingly clear that truth, as they see it, is something that you juggle. The problem that we now face is that as the hon. Member for Oropouche was juggling the truth, he might have become distracted and the truth fell down and was destroyed.

When I look at the *Trinidad Guardian* of today and then I listened to the contribution of the hon. Member for Oropouche a few minutes ago, I wonder if the hon. Trevor Sudama as referred to in the *Guardian* article of today is, in fact, the very same distinguished Member for Oropouche and now very latterly Minister of Agriculture, Land and Marine Resources. That is because, you see, in relation to a statement made by the Leader of the Opposition yesterday, in a different incarnation it was the hon. Member for Oropouche who gave the impression to the national community, by way of this article, that he was not aware of any plans for selling any aspects of Caroni (1975) Limited, that the Member for San Fernando East was being mischievous—effectively that is what he was saying—and, of course, he was accusing me of being careless with the truth myself.

Today, however, the very same Member is able to come to us and talk about strategic business units and about private sector participation in Caroni (1975) Limited, Mr. Speaker, and let us know that privatization and private sector involvement in the conduct of business activity is an essential part of the Government's policy. Also, as he put it, in pursuing a strategy of that nature they in no way are deviating from the strategy pursued by the PNM or, for that matter, the NAR that preceded the PNM and the NAR of which the hon. Member was a part. I say quite early, Mr. Speaker, that private sector participation, as apparently understood by the Member for Oropouche, does not square with the PNM's policy at all. I want to make that absolutely clear.

It was the Member for Oropouche again who talked about Ispat, who talked about Iscott, and in condemning the construction of that plant and the involvement of the state in steel production, made the point—[*Interruption*]

Mr. Sudama: Mr. Speaker, I never, anywhere in my contribution, condemned the construction of that plant. I merely spoke about the management and the losses that were created as a result of it being a state enterprise. That is all I said.

Mr. P. Manning: But that is precisely the point, Mr. Speaker, that he put it in such a way as to give an impression—perhaps the impression was unintended—suggesting that there was some fundamental flaw in the policy that resulted in the construction of such a plant. [*Interruption*] What the Minister—and of course, that is right—and that is very consistent with the positions that they were taking before his current incarnation as Minister of Agriculture, Land and Marine Resources in the current Government of Trinidad and Tobago.

Mr. Speaker, just for the record, I want to make it absolutely clear, because the Minister does not appear to understand, that many of these commodities and items have a cyclical market circumstance. That is to say, based on considerations essentially of supply and demand—and these are world economic factors—the prices go up or the prices go down. The traditional cycle is this: that as the demand increases that is, as the supply is unable to meet the demand, the price goes up, and as the price goes up, investors invest heavily in plant construction. This is fundamental. He does not seem to understand it. Also, as the capacity increases and as the output increases, it tends to outstrip the market requirements, it depresses the price and the construction stops. In fact, it normally results in plant closures, particularly the plants that are the high-cost producers.

Just for the record, that is the major reason why the last PNM government, in establishing gas pricing policy for these plants at Point Lisas, established the policy in such a way that the gas price was tied to the price of the commodities. In other words, as the price of the commodity goes down the gas price to the industry goes down. As the price goes up, it goes up. You ensure that the low-cost producers are not in Trinidad and Tobago and therefore you ensure that you keep your labour force intact. [*Interruption*]

I must say it because, you see, it is the very Minister who, when he was writing the NAR Manifesto of 1986, put in the manifesto, because they do not understand these things, in condemning—because he started the debate, he opened it up—the PNM's approach of attracting megaprojects, as they put it, they condemned that approach and they said that the NAR would introduce new subsectors in the petroleum sector and new plants, the viability of which would be guaranteed on the basis of the domestic market. It is in the manifesto.

For three years there were no investments in that sector until they realized the folly of their ways. Then, it was too late—and by that time the hon. Member for Oropouche had also taken his leave of the government. They had thrown him out by then and now we realize, for good reason—only then did a change of policy

appear to be in the offing but that was too late for them to bring about any significant change in terms of attracting new investments to Trinidad.

Dr. Rowley: No more megaprojects.

Mr. P. Manning: No more megaprojects, that is what they were saying, and sunset industries is how they described iron and steel, methanol, urea and ammonia. The Prime Minister of the day was most eloquent in his condemnation of this approach. He went overseas. In fact, it was done in Barbados where he spoke loudly about it, of course on a premise that was entirely false. In the same way this Minister has come to the Parliament this afternoon on an entirely false premise.

Let me tell you, Mr. Speaker, what was the PNM's policy on investment on the state's participation in private sector industries. I draw your attention to an address—it is a fundamental policy document of the PNM—to the 28th Annual Convention of the People's National Movement on Sunday, October 9, 1988 in which we outlined the PNM policy. That is how we use our conventions, Mr. Speaker. I am sure you will remember it. On page 32 of that document I quote as follows:

> "We see the future role of the State in the commercial and industrial sectors as essentially being both a facilitator and investor."
>
> [*Desk thumping*]
>
> "The state could therefore invest or hold equity in investments where:-
>
> 1. the industry or enterprise is of strategic importance, eg. oil and natural gas;"

In relation to the question he asked, we have always had a dispute, just for the record, as to whether BWIA was of strategic importance. It was always a contentious argument among us and eventually we came to the conclusion at one time that it was not and then at another time that it was, but then that is a separate issue. It need not detain us. Point two:

> "The enterprise provides a major social service…"

If that happens then the state should invest. That is PNM policy.

> "…eg T&TEC, WASA, PTSC.
>
> 3. the industry or enterprise is essential to the economic diversification drive…"
>
> [*Interruption*]

Mr. Sudama: Just a clarification. Could you tell us why you divested the generation of electricity in this country?

Mr. P. Manning: It would be my pleasure to do so, Mr. Speaker. But before I get to that:

> "3. the industry or enterprise is essential to the economic diversification drive and the private sector is unwilling or unable to channel financial resources into such investments, eg. downstream petrochemical plants from urea, methanol or natural gas;"

This is PNM policy. Where is a similar policy outlined in relation to the current Government of Trinidad and Tobago, Mr. Speaker? It is not there. Therefore, do not make assumptions about our policy. Our policy is clear.

As the PNM policy goes, where:

> "4. a foreign investor would without state joint venture be unwilling to be exposed to political or country risks but is interested in a significant export oriented project."

A perfect example of that is liquefied natural gas where the state has a 10 per cent shareholding through the National Gas Company. We did it to attract the investors to ensure that they have comfort, Mr. Speaker. That is our policy—carefully thought out. They do not understand it. When they believe they are pursuing PNM policy, they are pursuing some policy, from where else they may have gotten it God alone knows, but certainly bearing little resemblance to what the People's National Movement has articulated very clearly as its own policy.

The policy goes on. This is the 1988 Convention address at the 28th Annual Convention of the PNM:

> "With particular regard to self-determination and control of strategic resources, PNM's policy will be for the Government to seek out new foreign investment actively, particularly in joint ventures."

So when we go abroad, Mr. Speaker, and when we talk to the Germans and we sign a memorandum of understanding for the construction of two plants and when the plants are constructed in Trinidad and Tobago, two methanol plants, it is consistent with PNM policy. When seven such plants are under construction in Trinidad and Tobago in 1998, it has nothing to do with the UNC. It is because all of these investments were attracted well before the advent of this unhappy Government to Trinidad and Tobago and they merely happen to be beneficiaries,

Mr. Speaker, of a policy that was well thought through and very well executed, prior to their advent to the corridors of power. [*Desk thumping*]

The policy goes on:

"The PNM's view is that the State should…"

Listen to this:

"…in an orderly fashion divest its interest in any State Enterprise which does not fit any of the criteria outlined before."

Therefore, we divested a significant number of state enterprises when we came into government between 1991 and 1995, consistent with this policy.

The policy goes on:

"In any event, even where the State Enterprise fits the criteria, PNM's policy envisages the eventual selling of shares when the enterprise has been established as a fully going concern in the economy subject to considerations of the strategic importance of the enterprise."

4.10 p.m.

Whenever you are looking at PNM's policy in terms of participation in commercial enterprises in the country, the first question you have to ask yourself is: Is the enterprise of strategic importance or not? If it is of strategic importance, the state retains an interest. Notice, Mr. Speaker, we never said that the state will retain 100 per cent participating interest; it retains an interest in the enterprises, which means it is quite legitimate for us to divest our shares in power generation in part, the state retaining an interest in the company, because we consider the company to be of strategic importance—51 per cent. That is the reality. [*Desk thumping*]

Dr. Rowley: 51 per cent.

Mr. P. Manning: But, Mr. Speaker, here is a very important difference between them and us. This is a policy statement to a political party.

"I think, however, Ladies and Gentlemen, it is important for me to differentiate clearly between divestment and privatization."

I urge hon. Members opposite to listen very carefully.

"The PNM's concept of divestment to the public involves the transfer of shares in the State Enterprises from the control of the state where they are being

> currently held in trust for all the people, to direct ownership by a wide cross section of the national community."

That is divestment.

> "Privatization, on the other hand, is a mechanism for transferring the national patrimony of the state into the hands of a privileged few to serve selfish, sectional interests."

That is why they talk about privatization all the time. They never talk about divestment. There is a subtlety that continues to elude hon. Members opposite. They do not understand it. The statement goes on:

> "It is a return to the old order. The PNM will not be associated with any policy which seeks to deliver the many into the clutches of the few."

I repeat that:

> "The PNM will not be associated with any policy which seeks to deliver the many into the clutches of the few."

Therefore, you understand, Mr. Speaker, why the PNM could never, never agree with the policies they are pursuing. They have talked on that side about the PNM joining them and so forth. Why did the PNM not join them in 1991? Get together. I have heard that talk before. The PNM could not co-exist with them at all. We cannot live in the same bed. [*Desk thumping*] Because you see, their objectives are different. Their objectives are fundamentally different from the objectives of the People's National Movement.

What about Caroni (1975) Limited? Mr. Speaker, the Minister could say what he wants. A document was read before this Parliament this afternoon which makes it quite clear that they were breaking up Caroni (1975) Limited into a number of strategic business units as part of their policy to sell the company—that is what it is—and the time frame, as established in the divestment secretariat, calls for the sale of the three critical areas which are the rum division, cane cultivation and rice cultivation, by December 31, 1999.

But I wonder if you realize, Mr. Speaker, that rice cultivation—and that is with subsidy—was never before viable in Caroni (1975) Limited. Indeed, the rice division of Caroni (1975) Limited has incurred a liability of $30 million to the Caribbean Development Bank which cannot be paid on the basis of the cash flow of the rice division. When, therefore, they are talking about divesting the rice division, what are they really divesting? Is it rice?

Dr. Rowley: It is the land they are selling.

Mr. P. Manning: It is nothing else but the land that forms an essential part of the rice division. That is what it is. What they plan to do is to sell the land to their friends, their supporters, their families and their political investors. That is what they plan to do.

Mr. Hinds: Smart by a half.

Mr. P. Manning: You are quite right, smart by a half. That is what they plan to do.

When my colleague from Diego Martin West says that as much as we agree with this legislation, "we 'fraid", because God alone knows what else is behind it. We do not know, because that has been a pattern, that they come here with innocuous looking legislation and, at the end of the day, when we said yes to what appeared to be a very straightforward proposal, we find that there is something hidden here, or some innuendo there, something for which the Attorney General is now very well known. We thought it was him alone, but it is not him alone. It is now quite clear that the Member for Oropouche is the same thing.

We had to talk about Maritime Life yesterday and, incidentally, I want all the members of the Cabinet to wake up. If there is an inner Cabinet in that Government, if a small group of a few are taking decisions on behalf of the entire Cabinet, may I say that Cabinet responsibility exempts none from the decision-making; Cabinet responsibility enjoins all. You are as liable as anybody else, whether you are part of the inner Cabinet or not. It must not go on.

I could never understand somebody like the Member for St. Joseph who talks a lot outside and had much to say about the PNM and integrity and so forth, and in the face of all we are saying, he sits there and grins like a Cheshire cat from time to time and continues to be part and parcel of it. [*Desk thumping*]

Mr. Speaker, whatever may be said about the distinguished Member for Tobago East, we believe him to be a man who has some integrity. What has gone wrong with this man? All of these things are happening in plain view. They are not hiding to do it. They are doing it in plain view on top of the table and they are bringing these things to the Cabinet and enjoining you all in activities which, under normal circumstances, I am convinced you will have no part of. Is political power so important? I apologize, Mr. Speaker.

Mr. Speaker: I am having difficulty. Please come back.

Mr. P. Manning: Mr. Speaker, what I am trying to do, I am rebutting the Member for Oropouche.

Mr. Speaker: Yes, but I think you are going so far off course in terms of the three Bills, that I ask you, please, to come back.

Mr. Sudama: He does not know where he is going.

Mr. Speaker: Order please!

Mr. P. Manning: Mr. Speaker, we just had a budget debate here. We talked about the liabilities of Caroni (1975) Limited. We estimated those liabilities to be just about a billion dollars and we looked at it in the context of the actions we took in 1994 where we wrote off $2.4 billion of Caroni's debt and we did it for a particular reason, so that the company would be shorn of its debt service burden so that it could move into a position of viability and, shortly thereafter, profitability. That is why we did it.

But we talked about a liability of $1 billion and they remained silent. They did not say anything about it. We now find out from one of their official documents that we underestimated the liability by 50 per cent; it is $1.5 billion and it tells you exactly what is going on at Caroni (1975) Limited. When we thought it was a little here, a little here and a little there; it is big here, big here and big there. Caroni (1975) Limited now joins the ranks of the airport and several of the large projects in this country that require very careful scrutiny of the people of Trinidad and Tobago.

Their strategy—and we are talking about land—therefore, is that they want to sell the land to their friends and their friends are not many, their friends are few. They want to sell the land to their friends. I ask my colleagues opposite to take note. Member for St. Joseph, Member for Barataria/San Juan and Member for Tobago East, take note of it. I almost said Member for Caroni East, but he is a dead loss. [*Laughter*] That is what they want to do.

[*Words expunged*]

Mr. Speaker: The statement should not be and it will be expunged.

Mr. P. Manning: I withdraw it, Mr. Speaker. Maybe I got a little carried away. You know it happens sometimes.

So, that is really the strategy. The strategy is to sell the land. What I find particularly disturbing about it, is the indecent haste with which it is being pursued, and that it is being pursued in haste at the expense of the workers of Caroni (1975) Limited. That is the problem. When the union head could say he knows nothing about that, yet we are able to quote from official

documents, and when my colleague from Diego Martin West could demonstrate to this honourable House that when the Minister was saying they did not know anything about divestment in Caroni (1975) Limited, he was already in possession of a report done by a team that had been set up to divest large sections of Caroni (1975) Limited, what do you expect us to do? He was quoting from a document while saying he knew nothing about the existence of any such document.

The rum division is the most profitable division of Caroni (1975) Limited today. What certainly we would have done in a circumstance where the company is being restructured, you do not go hiving off the aspects of the company that are now making money, you use that to ensure a proper cash flow for the company as a whole. But what we understand is that the rum division is already lined up. The document is consistent with what we had been hearing, that the rum division is already lined up to sell to one of their friends who is known to us, but for the time-being, we will choose not to disclose who is that friend.

I see in the document that the first three units to be divested would be rum, rice cultivation and cane cultivation, which means the bulk of the lands under the control of Caroni (1975) Limited. That is what that means.

Mr. Speaker, what do you expect us to do when that comes to our attention? It is our responsibility to bring it to the attention of the national community, and the Member for Oropouche could talk from now to doomsday, as of now, he has said nothing to this honourable House that gives us the impression that they are going to do anything other than what we have said they would do and other than what the document says. [*Desk thumping*] Nothing he has said that will do it.

They feel they are the world's best talkers, that they could fool this one and they feel they can fool everybody. That is why our responsibility is to make these things public, that the Member for Oropouche, the Minister of Agriculture, Land and Marine Resources is a stranger to the truth. He did not speak the truth to the *Sunday Guardian* yesterday and he is not speaking the truth to this honourable House today. They must make a formal policy statement on Caroni (1975) Limited and let the world know exactly what they will do. Do not leave any gaps in it. Tell us exactly what you will do. In particular, we would like to know how many people are employed at Caroni (1975) Limited at this time, what you propose to do with those people, and in what time frame?

Mr. Sudama: When you mechanize, what will you do? Automate and mechanize.

Mr. P. Manning: Mr. Speaker, there is one important development in respect of which hon. Members opposite should take note. In 1993, there was an

agreement just before Christmas to establish a World Trade Organization. Do you know why that was done? That has changed play in terms of agriculture all over the world.

4.25 p.m.

Whereas we had preferential access to markets in Europe and the United States in respect of sugar, the signals coming out of the European Union in respect of LOMÉ are clear signals that suggest that we are prepared to carry these preferential arrangements only so far and no further. If it is that we did not understand that well, we merely have to study carefully what has happened in respect of the banana producers in the Caribbean and we will understand the sympathy that is accorded to countries in our particular circumstances.

Everybody knows that as we plan for the 21st Century, and particularly as we plan our sugar industry, the industry has to be made competitive. It has to be done, but they do not do it by selling the land! Mr. Speaker, do you know what they are planning to do? At best, they are planning to effectively give the land to somebody—because they will not sell it; it is not profitable—together with workers, and they will allow the private sector to divest all those workers. That is what they are planning to do, so they will say, "It is not me!" They are planning to get rid of the cultivation, workers, everybody, to some private sector interest which will then come and deal with the workers as they see fit. *[Desk thumping]*

In addition, they will then say that rice production is unprofitable and sugar production is unprofitable, and the lobby starts to alienate all those agricultural lands into housing and building use. That is where the money is to be made, especially if they should get another five-year term, and particularly if the hon. Member from St. Augustine should retain any control at all of Town and Country Planning, that is what will happen.

He has no regard for planning. All he does is just authorize it. As friends come, he authorizes it. It is the same Minister who, in 1987, called a lot of contractors in a room and said, "We want to do a short-term programme for cleaning drains in Port of Spain." He then asked, "How much could you do? Take $2 million worth!" "You take $3 million". Then, the Parliament had to pass legislation retroactively to take that Minister and the Government, of which he was a part, out of trouble. They are coming back with exactly the same approach in 1999!

If the Caroni workers are not careful, if they feel that the vindictiveness of the Government only extends to PNM and PNM supporters, they are making the

mistake of their lives. It is quite clear that as time draws nigh and they realize that Humpty Dumpty is about to fall off the wall, what they have decided to do is make hay while the sun shines. That is what they are trying to do. *[Desk thumping]*

That is why not only did we criticize their approach, but we, ourselves, outlined a comprehensive plan to make the industry viable. Admittedly, it can only be viable with lower levels of employment. Therefore, yesterday when I addressed the 37th Annual Convention of the PNM, we outlined a strategy for dealing with the workforce, a strategy that gives the workforce the best possible arrangement in the current economic circumstances, not just of this country, but of the world.

It is not that we were hedging. It is right here. We are not like them. We are up front. We are saying to Trinidad and Tobago, the national community, that if we are to retain sugar and be a sugar producer in the future, it has to be produced on a different basis, they having scuttled the tripartite arrangements. What is the new basis? We have outlined a new basis while we are in Opposition, so that those interested could look at it, examine it, and we can discuss. If it is that our approach needs some modification, then we are prepared to modify our approach. We are prepared to do that. Up front, all our cards are on the table.

He is talking about inter-cropping. That experiment was done in the 1970s. I visited it in the fields and I saw it when he was still hibernating.

Mr. Speaker: Hon. Members, the sitting is suspended for half an hour.

4.30 p.m.: *Sitting suspended.*

5.03 p.m.: *Sitting resumed.*

Mr. P. Manning: Mr. Speaker, when we took the tea break we were dealing with this question of land and the Government's intention as it relates to land under the control of Caroni (1975) Limited. I was making the point that just as the rice division is not profitable, any sale of the rice division really implies a sale of the land on which rice is grown. I was also making the point that any contemplated sale of the cane production division also, essentially, is a sale of the land on which sugar cane is produced.

That should not surprise us because sometime ago the hon. Prime Minister was signalling something like this. I think it was the Prime Minister who, in talking about the new status that he contemplated for the children of sugar workers, talked about the establishment, in Caroni, of a 1,000-room hotel. It was

the Prime Minister who, in justifying the InnCogen transaction, viewed it as a co-generation facility, essentially producing electricity for four plants and that the surplus of electricity produced would be sold into the national grid. That the four plants of which he spoke were part of the new strategy of the Government of Trinidad and Tobago in providing alternative employment for the children of sugar workers, as he was seeking to do: to take them away from the sugar cane plantations and make them a part of the wheels of industry in Trinidad and Tobago. The problem, however, is this: as of now, not one of the InnCogen plants has come; even if InnCogen is on stream and supplying electricity to Trinidad and Tobago under a lucrative take or pay contract.

The Government's intentions in this entire matter is quite suspect. The information that has reached us is that not only did the Government set a time frame of December 31, 1999 for disposing of the rum division, the cane cultivation and the rice cultivation divisions, but that it is their intention to prepare other divisions of Caroni (1975) Limited for divestment and privatization in due course.

What is dangerous about the strategy? Let me put it differently, the question that arises in all of this is the future of the workers. What frightens us on this side is that the Government is seeking to take the easy way out: they will sell the rice and sugar divisions with or without workers. The Government cannot sell the divisions without workers. If the Government sells the divisions without workers, quite clearly it is saying that it is stopping all rice or sugar cane production. Therefore, the Government will have to sell the divisions with the labour that normally will go with the cultivation of rice and sugar. If the Government does that: sell the division and workers to any particular enterprise, in circumstances where both rice and cane production are not viable at this time, what, in fact, it is doing is transferring workers into the hands of some private sector investor whose interest is purely profitability, and the bottom line. In other words immediately following such a sale, a carnage is likely to take place. The Government is likely to just retrench workers, left right and centre, in the sugar industry.

It is the callousness of this approach that worries us on this side. That is why, as we put forward alternatives—and we do it all the time—the alternative that the PNM has put forward is to maintain the industry but convert it into a form that makes it viable. Even if it is going to result, as it must, in a reduction in the levels of employment, that we do so on a very structured basis, not involving retrenchment, but involving voluntary separation and attrition and early retirement, all approaches in which the worker generally does not lose but is

allowed to go from one status to the next as part of a structured plan—a structured plan that only a caring political organization can put in place. We are worried that if the pattern of transfer that we have seen existent over the last four years is brought to bear in this case, it is going to be the workers who are going to be called upon to carry the brunt of that attack. They are the ones. They are going to be callously dealt with by the new private sector owners while those who form the Government today, and who they have supported so consistently over the years, not only abandon them but laugh their way straight to the bank and, in some cases foreign banks.

Mr. Speaker, I thought it would have been an appropriate time to make our position clear. I want to draw the attention of the Member for Oropouche—I do not know what research facilities he has—that if he is interested more in the PNM's economic policy, I just refer him to the reply to the 1989 Budget where some other aspects of the PNM's economic policy are outlined. When the Member speaks in this honourable House in the future, he can do so from the standpoint of information and not from the standpoint of surmise and prejudice.

I thank you, Mr. Speaker.

5.10 p.m.

The Minister of Tobago Affairs and Minister in the Ministry of Finance (Dr. The Hon. Morgan Job): Mr. Speaker, I rise in support of the combination of Bills under the Land Adjudication (No. 2) Bill.

Mr. Speaker, when the Member for San Fernando West made his contribution he observed that people who are Baptists had problems with land titles, whether they were in Moruga or Princes Town, I think he said Tobago. There is something very important in that observation, Mr. Speaker, because these sets of Bills together, as indeed, many of the speakers on the other side seem to sense, have a feeling for and are very passionate in the intensity of the articulation of their concerns, and it comes from the importance that connect land to people, the way people are connected to land in terms of the historical sense and in terms of the kind of society that we have, the kind of memories that we bring to bear on these issues. It is for that reason I feel I ought to make a contribution here in the sense of clarifying some of these matters.

I happen to have been connected to the Caroni (1975) Limited issue for quite some time in ways that I do not defer or need to defer to any Member in the House here at present in terms of understanding what the issues are. I suspect that from what I am hearing from the other side, while I admire the intensity of their

passion, I think it is not sufficiently supported by an objective analysis of the realities, even the realities involved with their past performance on the Caroni (1975) Limited issue.

So where do I start, Mr. Speaker? I get the sense from the very last speaker, the Member for San Fernando East, that he is supporting the Member for Diego Martin West in suggesting that there is some deliberate, mad, headlong rush on the part of this Government to sell out Caroni (1975) Limited's lands. I happen to have been in the Cabinet when the decision was made that I should chair a Cabinet subcommittee that involved the Minister of Finance, the Minister of Planning and Development at the time, the Minister of Agriculture, I think the then Minister of Legal Affairs and the Minister of Trade were also on that committee.

The conclusions of the subcommittee, which I submitted to Cabinet as a Cabinet Note, had nothing to do with callousness; it had everything to do with an understanding of the background of the problem; the fact that there had been too much dithering over the years; that this Government, up to the time we were dealing with it, had an opportunity to bring to conclusion and fruition all those proposals, plans, and suggestions that went way back. There is a long history of it going as far back as the 60s, then to the 70s and 80s.

Mr. Speaker, I did not hear a sufficiency of analysis which would have focussed the mind of the public on the fact that you had the late Frank Rampersad—he did what you could call a Frank Rampersad Caroni Plan, often referred to as the Rampersad Plan. One of the foundations of the Rampersad Plan—because I have copies of all those documents, I had to study them. I was one of the technocrats put to study the issue by the PNM government at the time. It was, I think, Minister Padmore; we put in our report in 1984. There was a Cabinet subcommittee with Minister Padmore, Minister Mohammed, the Chinese fella—what is his name—Williams, and somebody else. I think it was Errol Mahabir, I cannot remember the other person. We were reporting to that Cabinet subcommittee. The Rampersad Plan, which was one of the documents we had to study, the thing that joined it to all the other plans up to that time, and all the subsequent ones, including the one that I helped to produce, the common thread had to do with the question of land and what do we do with the land. I mean, this is unique and strange, but the people outside do not get it, the country does not get it, all these plans said, you have to divest the land, put it under the management and control of the farmers. Every single one of them.

Before Rampersad it was the John Spence Plan, and John Spence said the same thing. Whoever was advising Spence, whoever he was collaborating with came to that very conclusion that Rampersad came to. Then there was another professional committee which said the same thing. After us, you had Dookeran, and by that time I was advising the NAR government and I had to make a comment on the Dookeran Plan. One of my comments to the Government was, after all these plans; we are still here dithering on that fundamental issue. Dookeran and his plan, Robinson and their plan, came and went, the NAR went. Then the PNM came back to power and they produced the tripartite document. The tripartite document again, stressed that you have to give the land to cane farmers to grow cane. I heard the Minister of Agriculture, Land and Marine Resources say 75 per cent, I cannot remember. I have the copy. I did not come prepared to talk about that this afternoon.

Mr. Speaker, what I am trying to point out to the national community and, unfortunately we do not have the media here. If it were some bacchanal and "commess" they would all be up there to report.

Mr. Manning: Mr. Speaker, I thank the hon. Minister for being so gracious and giving way. I just want to draw to his attention that all those plans, including the tripartite plan of our time, predated 1993 when the World Trade Organization was established, and that has made a very big difference to the outlook on these matters.

Dr. The Hon. M. Job: But I do not see how that vitiates what I am saying. I do not understand the necessity for the intervention on that issue at this point.

What I am trying to join together in the minds of everybody is that what the PNM has been trying to put across this afternoon is that there is some conspiracy to hoodwink the nation into giving away the land of Caroni (1975) Limited to the few, and to connect it in a kind of way, which I can only call irresponsible propaganda, dedicated to the purpose of fomenting—as one of them said—hysteria. I do not think that is fair. I think, at this juncture, we ought to be avoiding that silly season which is a campaign season, a political season, where issues become non-issues, in fact, and all we do is whip up emotions. Caroni (1975) Limited is not an issue for us at this point to be whipping up emotions. We must deal with what the fundamental facts are.

All the people who have commented on Caroni (1975) Limited: Spence; Rampersad; Dookeran; the sugar unions; the professional committee, of which I was a member in 1983/84; the Tripartite Committee, I do not know of whom they

were comprised, but I think the hon. Member for Diego Martin West was a minister at the time; all of them have made the very same recommendation, which is what the Cabinet subcommittee—of which I and the Minister of Trade were members—all of us, did not veer away from, because, it is based on logic, an objective appraisal of reality.

Mr. Speaker, the professional committee, we, in presenting our report to the PNM Cabinet subcommittee—there was a letter that was written. I helped draft the letter, Eric St. Cyr and myself; we worked on the letter on behalf of the committee. I cannot remember the very words, but I will give you the gist of what we said. We said that Trinidad and Tobago had some important issues that connected land to people and that we must focus on that in the context of appreciating this report. Now, this letter was written outside of the report to the Cabinet subcommittee, and it said 1838 was one of those dates that were linked to land. What is 1838? How many children in this country would link 1838 to Caroni (1975) Limited and land? It had to do with the emancipation and the question of the relationship between people and land after emancipation.

Then, before that there was the question of the Cedula of the population. There were three dates: the Cedula, which was in 1783. What did the Cedula have to do with land in Trinidad? It had to do with the fact that the government at the time wanted Don José Maria Chacon, I think, instigated by Roume de St. Laurent, or somebody like that, said that if you were to develop Trinidad you must invite people to occupy the land. Those people who were fleeing atrocities from Haiti and French islands in the Caribbean came here to get land. A whole lot of confusion and "commess" emanated from that, where the so-called "pure French" were given 100 acres, and I cannot remember what else; and mulattos and blacks were given half that amount. There is a gentleman who wrote a book about that because he was protesting and saying that, "All of us are immigrants. Why are we giving the white people more land than the black people who were not slaves?" This is very important too, because people do not believe that black people owned slaves in Trinidad, you know! They do not believe that.

So the Cedula was in 1783. Then we had 1838, and then we had 1917. The year 1917 was when we stopped immigration from India, when we stopped bringing in these boun' coolies coming from India. So it had those three dates.

Then we said that this question of Caroni (1975) Limited is so quintessentially fundamental to the future of this country that it cannot be procrastinated any longer. Well, it was procrastinated, and we are here today trying to procrastinate it further; that is their idea. Their idea is to blackmail this Government and to

mobilize the country with hysteria so that we do not do what we must do, what we needed to do, what everybody recognizes must be done.

Therefore, Mr. Speaker, with that background, I go into some of the details in terms of what the Members over there are saying and, in particular, their leader. Because, there are so many contradictions in what they are saying on this Caroni (1975) Limited, it is just amazing. So the Leader of the Opposition got up and said to his followers at the convention yesterday that he had some major concerns about this country. Page 15:

> "Madam Chairman, ladies and gentlemen, there are two matters that I consider of special importance."

By the way, I must thank you for delivering the speech with such great alacrity. Thank you very much.

> "In 1992 my government wrote off $2.4 billion of Caroni's debt."

Mr. Speaker, this Government was not in power in 1992, you know. This Government came here late 1995. So this $2.4 billion debt: who created it? I remember when I was on the professional committee, we were laughing, and at times bemoaning the fact that everybody outside was saying BWIA and ISCOTT were drains on the Treasury, and we have to get rid of those state enterprises, when, in fact, at the time, Caroni (1975) Limited was the most burdensome state enterprise. For some strange reason a conspiracy between the media and the then government, refused to educate the people about that fact.

I am going to explain to you, Mr. Speaker, that the genesis of this whole thing is PNM policy. This gentleman got up and made a statement about preserving the legacy of the PNM, building a nation and making people whatever he says they are. Legacy! This Caroni (1975) Limited legacy needs to be aired and understood, because the presumptions, the premises under which the PNM burdened the taxpayer—to the tune of billions for a series of years, and still wants the nation to continue it—came out of their misunderstanding of what their role was. The misunderstanding still comes through when you listen to what they are saying today. He goes on.

> "In 1992 my government wrote off $2.4 billion of Caroni's debt to the state and initiated the Tripartite Agreement, to which Government, the company and trade unions were signatories. Four years later, it was clear that the Tripartite Agreement was, in fact, the blueprint for transforming Caroni into a vibrant and profitable state enterprise.

Today, ladies and gentlemen, the state is again being called upon to finance the operations of Caroni to the tune of some $415 million, fiscal year 1999/2000.

This is not all. The present Government is now proposing to get rid of Caroni (1975) Limited altogether. They are proposing to sell the most profitable assets of the company: the rum distillery, lands on which cane and rice are cultivated, and the cane and rice divisions, all by December 1999.

Let me remind you that some 60,000 citizens depend on the sugar industry for their survival. Social implications of the demise of this industry are far too horrendous to contemplate."

He goes on somewhere here—I cannot read all that he said—to suggest that Caroni is just like the way they spent money on URP, DEWD and crash programmes like that. He said that somewhere inside here. We must understand that for the same reason that we had URP and DEWD, we have Caroni (1975) Limited.

5.25 p.m.

This is a fundamental issue, Mr. Speaker. There is a misunderstanding that the PNM, in 1999, has not come to grips with. We are in 1999, and everybody is talking about the new millennium, we are going on to a new century, the world is changing by the nanosecond, and their minds and ideas are riveted in the past glory, or imaginations of glory of 1956, 1961 and so forth. Because by 1970, they were *passe.* This is why the black people were marching in the streets against them. The army almost overthrew them; Dr. Williams and everybody was trying to find a way to run away. I understand they were in Hilton on the way to the airport. *[Laughter]* So by 1970 nobody really wanted the PNM around. That is the fact.

So that those ideas that are at the bottom, behind or the foundation of this policy of using Caroni (1975) Limited like URP, are what we have to deal with, we cannot come here to defend that legacy. We need to move away from that. And when you are saying that the Prime Minister said the children of Caroni have to look to a different future to cutting cane, I do not find anything laughable about that! I find it is so sensible.

Mr. Speaker, as a little boy, I used to go to cinema to look at westerns and all those westerns were part of an industry and a time when building a wagon was the big industry. You had to tote people from the east coast to the west coast, across a continent in wagons. So millions of people were involved in building wagons. Then they built the railroad and what happened to all these people who were

building wagon wheels, harness and minding horses? They had to find something else to do. That is the nature of the world: creative destruction of industries.

Right now in the developed world, there are all these industries which have no relevance now. The blue-collar workers now who are there, are on welfare; everybody is looking for something to do with them because there is an economic and a technological transition, so one has to move on.

So when the Prime Minister says that the children of Caroni have to look to a different future from cutting cane, he is being sincere; being honest; and being a visionary. You have to prepare people to move on! But these people want to prepare them to stay in the cane field. Do you understand? At the same time they are contradicting themselves because they are saying here that you are going to mechanize cane farming. At the same time, he says that—and you are going to grow beet sugar in Trinidad. Imagine that! I do not know which one of them is the genetic engineer over there, that they are going to put a tropical gene into beet so it could grow in the heavy clays in Caroni. *[Laughter]* No, no, no, this is craziness. They had about 40 years to modernize agriculture; they had about 40 years to make people go back to agriculture. They did not do anything about that. They come here in 1999—at the end of the millennium—and say they are going to plant "topetambeaux." Do you know about that? Every five years Dr. Williams used to get up and say they are going to plant "topetambeaux." I do not know whether he has exported a can of "topetambeaux" yet. So now we are going to grow beet in Caroni.

Mr. Speaker, listen to this. At (2) he says:

> "lands not amenable to mechanical harvesting would be taken out of sugarcane and transferred to the state for redistribution in a programme of agrarian reform."

This is part of the programme.

Item III, under that plan:

> "Cane farmers who own lands at (2) above, will have the option of selling such lands to the state; the state would be prepared to pay a premium for such lands."

You see the confusion! The state could only buy land and pay a premium for it if the people own it. Why do you want to buy the people's land from them if they do not want to sell it to you? But what is more sinister—we live in a world today where everybody is recognizing that options, freedom, liberty is the key

word in everything. They are bringing in the totalitarian imperatives to decide that people must do what they want, or else.

This question of land reform, and their fears of some kind of ethnic hegemony in land ownership. When they are talking about divestment, UNC style means taking from the many and giving it to the few. They had a thing called National Fisheries right next door to the black people in Sea Lots. They divested to people in Korea, they did not give any part of it to the people in Sea Lots. They took it all and gave it away to people from way back in Korea, or Taiwan or wherever they came from. When they took BWIA and divested it, did they take it from the many and give it to the few? They took it from the few and gave it to the fewer. *[Laughter]* Or take it from the few and give it to the one—Ed Acker.

What is more sinister, Mr. Speaker, in terms of history and historical development, the first time I worked as a professional was at Wallerfield, working on a land reform programme—everybody here must know about Wallerfield. After the Americans gave back the base, they decided that they were going to do a land reform programme at Wallerfield, Carlsen Field, Tururе, Esmeralda and so forth. I had just left the University—and that young man, Michael Bharath, who is working with TIDCO now, we were the officers at Wallerfield. It struck me from the first day I was on that project that something was amiss; something was wrong. Even if this is a land reform for Trinidad and Tobago—you know, I do not want to get up and say these things but you have to be fair and real in this world because a certain kind of seed is being sown in the minds of people and we have to deal with it honestly and dispassionately. In that land reform exercise there were a whole lot of ex-policemen, ex-teachers, ex-wharfmen, all ex-PNM, whatever. They were there. They looked the same way, ethnically. And I knew, as a young man—I was 23 years old at the time, I was sure in my mind at the time—from my background, from my understanding—that this thing was doomed to fail, because if you asked these people where the milk from the cow came, they would not be able to tell you. *[Laughter]* I was in amazement. You were trying to manage a project with people, who the first time they have ever seen a black and white cow is when they came to Wallerfield. That was their programme of land reform.

Well, of course, after they spent, maybe, $1.5 billion on that project, they abandoned it; it could not work. If you go to Carlsen Field it is the same thing. So their experience with land reform, maybe it is from that experience they are learning to express these fears that if UNC was to do what Rampersad said; what Spence said; what the professional committee in 1983 said; what Mr. Dookeran

said; what the tripartite committee said, it might go in a certain kind of way. Maybe, they had experience of that. So from their experience—they used to tell me when I was a little boy: as a man thinks of others so is he himself. So they have had experience with land reform and they did it a certain kind of way with a certain kind of motive. So that we have to be thinking about all that.

Fundamentally—I know we have a long committee stage and I do not want to go into all the details—the Caroni (1975) Limited issue, as articulated by the Opposition, was not fairly done, in the sense that this Government is only doing what all the professionals, agronomists, economists, cattle-breeders, geneticists; all these people—some local and foreign. They all, every single report, including their own report, say to do it. They are coming to Parliament this afternoon to sow and plant the seeds of distrust in the minds of the public, that there is some sinister UNC plot to excise all the Caroni land for a set of "Indian" people and their friends. But nothing is further from the truth because they themselves had agreed that cane farmers would occupy 75 per cent of the land on which cane was grown. And who are the cane farmers in Trinidad and Tobago? The cane farmers are there, you can go and see them. I am sure some of them are of African descent—I do not doubt that—but I do not know that in the majority, they would not be of a certain ethnic hue, *[Laughter]* if you want to call it that.

Dr. Rowley: Mr. Speaker, I am very grateful to the hon. Minister for giving way. I just want to ask the Minister if it is so obvious that the tripartite said that lands that are currently under cane production under Caroni (1975) Limited should be shifted to private sector growth, where is the connection between that initiative and the sale of all the rice lands? How are those lands to be considered? There was no recommendation in any PNM document or policy which had to do with rice lands being used for cane production.

Dr. The Hon. Morgan Job: Mr. Speaker, I am in the Cabinet of the Government of Trinidad and Tobago at this point in time and I know of no document—like I said, I was part of the Cabinet committee; as a matter of fact, I was the Chairman that recommended the course of action that is being pursued now, and I cannot remember anywhere we were talking about selling rice lands. I cannot remember that. As a matter of fact, I think—as I stand on my feet now; I might be corrected—we have already started leasing lands for rice cultivation with the people who are at Nariva. I do not know where this idea of selling rice land or cane land came from.

Mr. Speaker, as I go to my seat, may I say that I support these three Bills and I hope that my contribution here, in some form or fashion, is going to get out to the population for them to understand that this hysteria and this spurious propaganda about some devious UNC plot to snatch the lands of Caroni for themselves and their friends, has a long pedigree, objectively, in terms of dispassionate observers going through all regimes; PNM regime come—PNM regime go; NAR regime; PNM regime, again—and they all consistently said that the better thing to do with Caroni is to let farmers who know how to use the land, use it. This is all this Government is about, Mr. Speaker.

Thank you very much.

5.35 p.m.

Mr. Martin Joseph (*St. Ann's East*): Thank you. Mr. Speaker, I am just making a brief intervention in this debate to ask a couple of questions. In terms of the Land Tribunal (No. 2) Bill under Part IV, Administration, clause 15(4) states:

> "The terms and conditions of the Registrar and Deputy Registrar of the Tribunal shall be determined by the President."

My question to the hon. Member for Couva South is: is this going to be determined by the President based on the Chief Personnel Officer? I am just asking questions in terms of the specifics of determining the terms and conditions of the Registrar. I am not aware of the President having the capability—[*Interruption*]—okay, well, if it is through the Salaries Review Commission then, of course, we have some concern with respect to the whole question of the enactment of the terms and conditions of the recommendations of the Salaries Review Commission.

Mr. Maharaj: As you know, under the Constitution, the Salaries Review Commission presents its report, it is laid, it goes to Cabinet and a decision is made. The Executive makes that decision and then it is the President who—[*Interruption*]—it applies to everybody that way. That has been there ever since, so that is what we are implementing.

Mr. M. Joseph: Interestingly enough, you say it is the Executive which makes the decision, but with respect to the last time on the question about the implementation of the recommendations of the Salaries Review Commission, the Executive decided not to make a decision, but to bring the matter to Parliament. That is the reason I am raising this; it is a valid question. [*Interruption*] [*Laughter*] That is one question as it relates to the Land Tribunal (No. 2) Bill.

With respect to the Land Adjudication (No. 2) Bill, Part II deals with "Officers". Clause 4(1) talks about the appointment and general powers of officers. It says:

> "For the purposes of this Act the Minister shall appoint an Adjudication Officer and such Assistant Adjudication Officers…"

Again, we on this side continue to raise concerns about the role of the Minister in terms of appointments. We have a position as it relates to that, which is the bypassing of some of the various agencies that have traditionally been responsible for the employment of public officers. So again, the concerns are also being raised here with respect to the role of the Minister in the appointment of the Adjudication Officer, Assistant Adjudication Officers, Demarcation Officers, etc.

Under that same clause, subclause (6) states:

> "The qualification for the appointment of Assistant Adjudication Officers, Demarcation Officers…shall be prescribed."

Shall be prescribed by whom? Those are the two simple questions I would like to raise as it relates to those two pieces of legislation.

Thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Thank you. Mr. Speaker, I think it must be a disservice to the concept in this Bill for the Opposition to have debated from rice land to Caroni (1975) Limited. I could probably now understand why important measures like these have taken so long under that administration. The hon. Member for Diego Martin West asked a question that he would like me to explain: Why these Bills have come at this time? Mr. Speaker, I regret to say this, but these Bills have nothing to do with management of land. They have to do with the management of the registration of land. Anyone who read these Bills and understood them would have seen that even the state would have to be able, when there are demarcation and adjudication, to co-operate with boundaries. [*Interruption*]

Yes, he knows that, but he knows that because he brought his reporters and, expects on tomorrow's newspaper—because he knows the kind of situation we have in Trinidad and Tobago—he brought the reporters before the tea break, gave them notice and he knows all they want is Caroni, Caroni, Caroni. I am making the point that the hon. Member for Diego Martin West knew that these Bills had nothing to do with the management of land.

If you look at his contribution, he talked about three clauses and then his whole contribution is on Caroni (1975) Limited. The hon. Member for San Fernando East talked about two sentences and the whole contribution was on Caroni. The point I am making is, that is why they have been so obsessed with Caroni. As a matter of fact, the records of this Parliament would show that I have been in this Parliament from 1991 and every time the Member for Diego Martin West gets up to talk, he has to talk about Caroni. He is obsessed with Caroni (1975) Limited! Therefore, all I can say is that I feel very sorry for them. I only hope that they would not be disappointed tomorrow if the news headlines have something else except Caroni (1975) Limited.

I could understand the hon. Member for Diego Martin West. He so wants to take over from the Member for San Fernando East with the headlines, and he wants to ensure that he has the headlines. So if there is anything I can do in order to assist him to get the headlines, I will try, because I do not want him to feel frustrated in this Parliament. [*Laughter*]

Mr. Speaker, let me answer the hon. Member for Diego Martin West. What has happened with these Bills? He asked for it, so I would give it to him. In 1978, after the Law Commission talked about reform for land in Trinidad and Tobago, they produced the 1981 Bills, but because of the resources of the country at the time—I understand that is the report—they could not implement them. When the new PNM administration took office in 1991 they were confronted with this problem and they got the report. All that occurred under the People's National Movement administration was that a decision was made to implement the report. The first drawdown on the money was taken, but nothing was done to put the legislative framework in place.

When this administration took office in 1996, an *ad hoc* committee was set up in order to draft the pieces of legislation. The answer is, Mr. Speaker, the PNM administration from 1991 to 1995, did nothing to implement these measures, apart from drawing down the money. When this measure was introduced in this Parliament last year, in the last session, and the Bills were introduced for public comment, the Bills were commented upon and the Law Commission had an occasion to redraft some of the provisions of the Bill and that is the Bill here.

So to come here and say that these Bills have anything to do with management of land, that people and the Government have some secret agenda to take land and give it to people, this has nothing to do with that. The hon. Member for Diego Martin West knows that. That is why he is smiling like the Attorney General because he knows that this Bill has nothing to do with that.

Mr. Speaker, I would like to quickly deal with some of the points raised because I think I would like to—

Dr. Rowley: I thank the Minister for giving way. I wonder, Mr. Speaker, whether the Attorney General would agree that the keeping of a registry and the legislative requirements of what should go on in the registry is an integral part of land management in the country.

Hon. R. L. Maharaj: Mr. Speaker, that cannot be disputed, but this Bill has nothing to do with management or ownership of land and devolving land to people, and giving out or giving away land. These Bills have to do with demarcating land, fixing boundaries, providing a machinery for disputes to be resolved and having titles registered; that is what these Bills are about. The hon. Member for Diego Martin West is trying to demonstrate that he does not understand the Bill, but he does. I know he understood it.

I would like to compliment the hon. Member for San Fernando West; I think that the only contribution which has been made on these measures from that side of the House, that is worth the while considering—if I may say so with the greatest respect to the hon. Member for San Fernando East and the hon. Member for Diego Martin West, was by the hon. Member for San Fernando West. It probably shows that he should take over the leadership of this party, because week after week he is the only Member on that side who comes here and makes contributions of which people can feel proud and say, "This is a Parliamentarian!" He is the only Member!

Therefore, I think we should put on record that the Government appreciates and pays tribute to him for the contributions he has made on these matters. [*Desk thumping*] The Government hopes that the stalwarts of the party, the hon. Members for San Fernando East and Diego Martin West would take note that if they do not follow what the hon. Member for San Fernando West is doing, they might be in serious problems in a few months' time. [*Laughter*]

The hon. Member for San Fernando West raised the question of estate duty and he said that the question of the pre-1981 position in which people still have to pay estate duty is causing many impediments to land development; that point is taken. I wish to undertake that I would take the matter up and see whether we can get agreement to have that position resolved. It would seem to me that that position should be redressed, because that would remove a lot of the bureaucracy in having some of these transactions completed. As a matter of fact, if we have that and we go ahead with what we are doing here, it would be counter-productive, so it seems to me that is a point well made.

The reduction of the 30-year title to 20 years is being considered. As a matter of fact, one of the first things I did when I met with the ministry was to try to get a copy of all the recommendations, and I have been trying to work on that. That is something I believe we should do. I think the previous Minister had said that was something she would also look into.

Regarding the register of claims in respect to acquisition matters, the previous Minister of Legal Affairs had given that undertaking, and I wish to give the undertaking also that we would try to implement that because it is something that is also very practical.

In respect of getting a new certificate of title I have been told that because of the new system it would be easy to get a new certificate of title; you would not have to go through applying and so forth, and in regulations you can just put how to get a new certificate.

With respect to the stamps, I have been informed that steps have been taken by the previous Minister to put a system in place by which cash could be collected and stamps not collected, and that is being processed at this time. But in any event, moneys collected do not go to anybody else except the people of Trinidad and Tobago, because TTPost is owned by the Government of Trinidad and Tobago. It is a consultancy agreement and, therefore, even if the stamps are being bought the money is going to the Government of Trinidad and Tobago and they are being paid a management fee, so there is nothing to worry about.

I agree, Mr. Speaker, that title clerks have done a very good job, and with the new system there would be problems. What we hope to do is absorb some of them into our system. We cannot absorb all, because we would then produce problems for the legal profession, because although you are going to have this kind of system there would still be the need for some title clerks.

I have been told by the Minister of Housing and Settlements that the National Housing Authority board is in place, and there has been a separation of the Subintendent Department from the Director of Surveys Department. Quite recently there has been the employment of 12 new surveyors and I have been assured by the Minister of Housing and Settlements that there are surveyors available who would be able to take this thing through. [*Interruption*]

Mr. Speaker: Order please! Member for Arouca, you could just talk and move on, but you stand there and carry on a conversation, which I could hear from here, it is not nice.

5.50 p.m.

Hon. R. L. Maharaj: Thank you very much, Mr. Speaker. I understand also that the National Physical Planning Commission would come on board with the passage of the Planning Bill and it will be a one-stop shop which would also remove some of the bureaucracies. In any event, in many of these projects, subject to proper procedures, the private sector would have to get involved in order to be a partnership with the Government in order to carry them forward.

I have made some inquiries with respect to the search room and have been told that although some of the 1990 books have not been copied, that does not mean that the records are not there. It just makes it difficult for the searches to be done. Am I correct?

Mr. Sinanan: It is difficult to access accurate records. As long as the recopying process is not taking place, the existing books will get more tattered and be in a worse condition.

Hon. R. L. Maharaj: I visited the search room and there can be no doubt that the situation is very bad, but it is one which accumulated over the years. The fact of the matter is that it has to be redressed. Yes, there are some of the records that are not in a condition in which they would be easy to access and you have the indices but, obviously, there is only one copy at times and, therefore, they are very difficult to access.

What I can say is that much tribute must be paid to these title clerks and persons who have worked there over the years because it is very difficult for them to work with that kind of set-up and still be able to produce some of the title searches they have done. Our only hope, therefore, is that while these measures are taking place, the acting registrar and her staff have been doing tremendous work there and I have seen that for myself and I think they should really be complimented for taking it forward. I am very optimistic from what I see there and from the measures which are to be put in place, and with the removal of some of the records, occupying other places and having the records put on the information technology, that we should be able within the next six months to make some headway.

Mr. Speaker, it is correct that the system now really does not facilitate Mr. A to even go to the registry and quite easily get to know who owns this piece of land, or that piece of land and that is very bad because there are situations where you really need to get this information very quickly in many respects. Whether it is in respect of detecting crime, money laundering, whatever it is, it is very

important and this has been a great impediment, and all in conformity with freedom of information, the Government will ensure that people would be able to get this information.

The Member for Diego Martin West, apart from making the point about Caroni (1975) Limited—the only point he made which is worthwhile if I may say so—made a point with respect to the surveyor and I think that must be an oversight, in order to ensure that only surveyors could be demarcation officers, because you cannot have people demarcating land if they are not licensed surveyors.

With respect to the point the Member for St. Ann's East has made, I have looked at it and I think the adjudication officer should be a person appointed by the Judicial and Legal Service Commission and there is an amendment to that. I think the amendments are being circulated so that we would take that and any other matter to be dealt with at the committee stage.

Mr. Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: Hon. Members, a list of amendments on the Land Adjudication (No. 2) Bill, 1999 has been circulated and there is clause 4(4) on the first page which is replaced by a 4(4) on a supplemental page. The first one, the Land Adjudication (No. 2) Bill and there is, of course, a clause 4(9).

I ask you to bear in mind that notwithstanding that we are dealing with this one now, one ought also perhaps to have regard to the other Bills on which there may not be too much debate following this. You may want to look at those at the same time we are looking at this because there may be something that may relate to it. Not that we are doing them together, but it would be in order to refer to things in that for purposes of your contribution.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 4 be amended in terms of the circulated draft, but I need to explain it because there are two drafts and there seems to be an error in the draft in that we are deleting and substituting a new clause for clause 4, but in the delete and substitute we have here:

> "4(1) There shall be an Adjudication Officer who shall be an attorney-at-law of at least five years…"

It should be seven years because we had seven years before and there was a typographical error.

In respect of the other document which is before us, we ignore the new subclause (4). In other words, we are ignoring that one and would just look at subclause (9). Subclause (4) would be the terms and conditions as well as the qualification for the appointment of the assistant adjudication officers, demarcation officers, recording officers and survey officers shall be prescribed by the President.

The purpose of that really is that you would want to have these people who are performing a sort of quasi-judicial function in fixing land to be under different terms and conditions fixed by the Chief Personnel Officer.

Mr. Sinanan: *[Inaudible]*

Mr. Maharaj: No. The Judicial and Legal Service Commission cannot appoint non-lawyers. That is the reason the adjudication officer who is a lawyer, must be a lawyer and would be appointed by the Judicial and Legal Service Commission. The others are not really doing the act, they are just helping, but I thought it would be a better arrangement to give them more protection.

Subclause (9) is to take on board what the Member for Diego Martin West has said that the assistant adjudication officer, demarcation officer, recording officer and a survey officer shall be a Trinidad and Tobago land surveyor, but I think they put all these people as land surveyors, but I do not know whether—I just give the instruction which has come back. I thought the point he was making is that the Demarcation Officer should be a land surveyor, the others do not have to be land surveyors.

Mr. Sinanan: What about the survey officer?

Mr. Maharaj: We should say: "The Demarcation Officer and a Survey Officer shall so be."

Mr. Chairman, with your leave, can I delete—I do not know how good my drafting would be:

> Delete the words "An Assistant Adjudication Officer", and "Recording Officer" and say:
>
> "A Demarcation Officer and Survey Officer shall be a Trinidad and Tobago Land Surveyor within the meaning assigned to it under the Land Surveyors Act."

Mr. Sinanan: Hon. Attorney General, are you satisfied that seven years is sufficient? As I said, I made this point in terms of the fact that you may have somebody in practice for seven years but not experienced in this sphere of operation. Are you saying that you are leaving it to the Judicial and Legal Service Commission to appoint somebody with that background? Or do you want to spell it out in here by saying:

> "…shall appoint a person of at least seven years' standing with experience in…"

It is not here, but I think it should be stated.

Mr. Maharaj: It does say some experience in land matters and we could put the words "of at least seven years' standing and who is experienced in land."

Mr. Sinanan: In conveyancing, or in matters relating to land.

6.05 p.m.

Mr. Maharaj: I think we should put "experience in conveyancing". So it should read:

> "There shall be an Adjudication Officer who shall be an attorney-at-law of at least seven years' standing and who is experienced in conveyancing…"

Mr. Sinanan: And who shall be experienced?

Mr. Maharaj: "And who shall be experienced in conveyancing shall be appointed by the Judicial and Legal Service Commission."

Mr. Sinanan: "And who shall be appointed.

Mr. Maharaj: Again, "and who shall." The drafting is a bit cumbersome.

Mr. Sinanan: Or, "who shall have conveyancing experience and be appointed" instead of "who shall be".

Mr. Maharaj: That is what I said earlier.

Mr. Sinanan: Or "at least seven years' standing and who shall be experienced in conveyancing and be appointed…"

Mr. Maharaj: Mr. Chairman, will you give me a minute please?

Mr. Sinanan: "…and who shall be experienced."

Mr. Maharaj: I am getting them to work it out. I will put it in two, 4(1)(a) and (b).

Mr. Maharaj: Let us try it.

"There shall be an Adjudication Officer who shall be an attorney-at-law of at least seven years' standing with experience in conveyancing and who shall be appointed by the Judicial and Legal Service Commission."

Unless you want to put "with at least seven years' experience in conveyancing."

Mrs. Persad-Bissessar: You want someone who has seven years' experience as an attorney but not in conveyancing.

Mr. Maharaj: So, you want someone experienced in conveyancing. So, "There shall be an Adjudication Officer who shall be an attorney-at-law of at least seven years' standing…"

Mrs. Persad-Bissesar: You want that person to be an attorney-at-law with seven years' experience in conveyancing.

Mr. Sinanan: So, once that person has seven years' experience in conveyancing he has to be an attorney.

Mr. Maharaj: "There shall be an Adjudication Officer who shall be an attorney-at-law of at least seven years' standing and with at least seven years experience in conveyancing."

Mr. Chairman: You are saying "with at least seven years' standing and with at least seven years experience in conveyancing." Well, if you are doing that you do not have to repeat it twice. You could let "seven years" relate to both standing and experience.

Mr. Maharaj: You could have a lawyer with five years with non-conveyancing experience and then go for two years. So that is our difficulty.

"There shall be an Adjudication Officer who shall be an attorney-at-law of at least seven years' experience in conveyancing and who shall be appointed…"

Mr. Sinanan: Yes, and stop right there.

Mr. Maharaj: May I read it again Sir? "There shall be an Adjudication Officer who shall be an attorney-at-law of at least seven years' experience in conveyancing and who shall be appointed…" That is the Chief Parliamentary Counsel so that shows why it is so.

Mr. Joseph: Mr. Chairman, I have a question, if I may.

Mr. Chairman: Please proceed.

Mr. Joseph: Mr. Attorney General, you talked about the President being responsible for the appointment of the assistant adjudication officers, *et cetera,* to give them protection. I think that is what I heard you say. The President shall set the terms and conditions and the argument you put forward was to give them protection, yet the Minister is given the responsibility for the appointments.

Mr. Maharaj: If you get them appointed in the normal way, you would not get this thing done. So, what you do is appoint the officers but make their terms and conditions subject to the Salaries Review Commission.

Mr. Joseph: What is the role of the Minister in the appointment?

Mr. Maharaj: These officers are not going to be full-time for the rest of it. They are going to be there for a particular period of time, so it cannot be otherwise. There must be somebody to appoint them.

Mr. Joseph: The reason I am concerned about the Minister as you would realize, the question about political interference and whether or not competencies and capabilities are sacrificed as a result.

Mr. Maharaj: Could you suggest any other way? Any other way would mean that it cannot be done because they are not going to be permanent posts. They are not going to be there all the time. They are there for a particular period of time.

Mr. Joseph: Is it a contractual period?

Mr. Maharaj: It is only the Minister who is accountable to the Parliament. The Permanent Secretary is not. Who do we put?

Mr. Chairman: Just one matter before we go on. In clause 9, we excised "An Assistant Adjudication Officer" and it started "A Demarcation Officer." We excised "A Recording Officer" and just continued with "And a Survey Officer."

Should it not in the circumstances read: "A Demarcation Officer or a Survey Officer shall be 'a' Trinidad and Tobago Land Surveyor 'or'…"

Mr. Maharaj: It should be "or" or "an"

Mr. Manning: These officers would they be full time or not?

Mr. Maharaj: They would not be permanent.

6 15 p.m.

Mr. Manning: It is a public sector position. You know what I am worried about, of course?

Mr. Maharaj: Just one second. To come back to what you said, Mr. Chairman, I am advised it should be "and".

Mr. Chairman: How could it be "and"? Because what we are saying is somebody is either this or that. So that for both a demarcation officer and a survey officer there is a requirement that such a person should be—

Mr. Maharaj: No, but you can have a survey officer and a demarcation officer. A survey officer and a demarcation officer are not the same people. They are two different people.

Mr. Chairman: Yes, it is because they are different people, because they have different positions or offices it has to be "or". For either one of them, if you are just appointing one, he has to be a land surveyor. If you are appointing two, both of them have to be land surveyors. So therefore you say, "a Demarcation Officer", if you are appointing him or, "a Survey Officer" if you are appointing him, either of them will have to be a land surveyor. So it seems to me that "or" would be the correct word.

Mr. Sinanan: Mr. Chairman, they are two separate officers.

Mr. Chairman: Precisely, and this is why it should be "or". If it is one person then it has to be—

Mr. Maharaj: I am advised by the draftsperson, Sir, that it should be "and".

Mr. Chairman: All right. I am—

Mr. Maharaj: And Mr. Chairman, even though I disagree sometimes with them, I go along with the draftsmen.

Mr. Chairman: Yes, but at the end of the day it is the Parliament. Anyhow—

Mr. Manning: If these people are to be full-time, they are public officers, and what we try to do is to circumvent certain arrangements. Now, you could do so but you could do so in a dangerous way. In other words, these positions really should be established in the public service and classified. That should happen.

Mr. Maharaj: Then we would never get this thing done.

Mr. Manning: Do not say that. To do it otherwise is really to put a mechanism in place that circumvents the service commission.

Mr. Maharaj: There are certain conditions for this loan and the loan has already been delayed.

Mr. Manning: No, no, please, no, no.

Mr. Maharaj: There is no way I am going to agree to that. [*Interruption*] I will put, "the President shall appoint".

Mr. Manning: No, no, please, let me ask a question. If the position is a full-time position in the public service and if the Government wants to appoint somebody by contract against that, they could do that, you know. What I am afraid of is that if the Parliament takes the position that if we are setting up public sector positions, then they are public sector positions. If the Government wants to deal with those in a certain way they can do that. You understand what I am saying? What the Parliament ought not to do—

Mr. Maharaj: Mr. Chairman, can I amend 4(3) to read, "The President shall appoint" instead of "the Minister"?

Mr. Manning: What is the implication of that, I would like to know?

Mr. Maharaj: It is that the Cabinet makes the appointment.

Mrs. Persad-Bissessar: You see, it is not the one person, it is at the discretion of the entire Cabinet.

Mr. Manning: Well, with respect, I do not agree.

Mr. Assam: Who shall appoint? Say that.

Mr. Manning: Make it a public service position and, therefore, it is done in the normal way.

Mrs. Persad-Bissessar: We have set up other statutes like these and—

Mr. Manning: Which ones? Give me some examples, please.

Mrs. Persad-Bissessar: Under the EMA.

Mr. Manning: The EMA is a statutory board.

Mrs. Persad-Bissessar: So that is what I am saying, they are statutory authorities. They are set up by statute, created by statute.

Mr. Manning: These officers are where? Are they public officers or not? You are saying one thing but you are saying two things. The function of land demarcation is a public service function. Is it or is it not?

Mr. Assam: Is environmental management not a public service function?

Mr. Manning: The Environmental Management Agency is a statutory board.

Mr. Assam: It is two—[*Interruption*] This is a statutory—[*Interruption*]

Mr. Manning: It is in the board itself. Well then, you are saying two separate things.

Mr. Maharaj: Yes, but these are not functions that are going to go on *ad infinitum*. It might go on for a year or whatever it is.

Mr. Manning: No, but that is not the argument at all.

Mr. Maharaj: Less than a year?

Mr. Manning: Therefore, those positions are not public service positions. They are not.

Mr. Assam: No, they are not.

Mr. Manning: But I am being told that they are.

Mr. Assam: They are not pensionable. They do not come under the Public Service Regulations.

Mr. Maharaj: Mr. Chairman, the Cabinet has done it in the past. I do not want to—a previous administration has done it in the past where they appoint people where there are such situations, so I do not—there is precedent for this.

Mr. Assam: What are we saying, Attorney General.

Mr. Maharaj: We are saying, "The President".

Mr. Sinanan: The President is the Cabinet.

Mr. Chairman: Exactly.

Hon. Member: Always?

Mr. Maharaj: Not always. [*Crosstalk*] Mr. Chairman, are we all right with clause 4?

Mr. Chairman: The amendment to clause 4 in terms of the circulated draft, with adjustments to the draft in respect of clause 4(1) reads as follows:

> "There shall be an Adjudication Officer who shall be an attorney-at-law of at least seven years' experience in conveyancing and who shall be appointed by the Judicial and Legal Service Commission."

In the case of clause 4(3) it shall read, "The President" instead of "The Minister". With respect to clause 4(4), the second 4(4) is deleted. In clause 4(9) we excise "an Assistant Adjudication Officer" to read:

> "A Demarcation Officer and a Survey Officer shall be a Trinidad and Tobago land surveyor within the meaning assigned to it under the Land Surveyors Act."

Just to revisit clause 4(3), it is intended to read:

> "The President shall appoint such Assistant Adjudication Officers, Demarcation Officers and Recording Officers as may be necessary for the purposes of this Act."

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, I have a query on clause 6(1)(c). Mr. Attorney General, in terms of clause 6(1)(c), what if the owner does not comply simply because he is living abroad or he cannot be found? With regard to clause 6(1)(d), what if the owner includes more land and the owner of the land that is annexed to the land that is claimed cannot be found? What procedure is there to redress that?

So there are two situations. The first one in 6(1)(c) deals with the situation where the owner cannot comply because he cannot be found, or he is living abroad. This is a common situation in Trinidad and Tobago where you have people owning land and sometimes they do not even know they own the land, or most of the times they are abroad.

In 6(1)(d), a chap annexes more land than he is entitled to and the owner of the annexed land is out of the jurisdiction or even if he is in this jurisdiction he cannot be located. What we say here is that ultimately after a period of, I think it is 90 days or thereabouts, the adjudication officer can still—

Mr. Maharaj: Well there is a process and then it is after 90 days.

Mr. Sinanan: Yes.

Mr. Maharaj: There is a process because the adjudication officer in any event will have his chart of who owns the land and he will be able to make inquiries himself. Even if he is not there and he makes inquiries and the person is abroad, I suppose because notice—there will be family, *et cetera*. But you cannot—[*Interruption*]

Mr. Sinanan: I hear you, but if you take it to its logical conclusion, not in all circumstances would you be able to find the owner simply because the owner is abroad. It happens very often where people own land and they are abroad.

Mr. Maharaj: But if the land belongs to somebody else the other person would not be able to claim the land because it would be on record that other people own the land.

Mr. Sinanan: No, no. Do not forget that you have a demarcation officer and a survey officer coming around. There might be lots of land side by side and the fellow is saying, "Look, of this 10,000 square feet, 7,500 is my own", and he points out what he considers is 7,500 but he only owns 5,000.

Mr. Maharaj: Yes, but in those instances the demarcation officer must have two sets of people. Where there is only one person and he cannot find the other person, he puts him on inquiry and obviously he would have to make inquiries because, in any event, if it has to go to the court it can be set aside.

Mr. Sinanan: Is there any safeguard in the Bill to deal with the situation of an owner annexing more land than he is entitled to? Is there some procedure when that owner of that dispossessed part—[*Interruption*]

Mr. Maharaj: Look at 9(1). It reads:

> "If the Adjudication Officer is satisfied that any person, who has not made a claim, has a claim to any interest in and within the adjudication section, the Adjudication Officer may, after giving such further notice as the circumstance require, proceed as if a claim had been made, and may call upon the Registrar General to supply him with a certified copy of any document of title relevant thereto."

So he has to be put on inquiry.

Mr. Sinanan: All right, that may apply to a person with a deed. What about a person who is in possession of land without a documentary title?

Mr. Maharaj: What do you recommend we do?

Mr. Sinanan: There should be a saving provision whereby it could be challenged at some future time, once it can be proved, unless there is a clause within this Bill that provides for an appeal process.

Mr. Maharaj: There is an appeal process from this, in any event, to the Land Tribunal. But you want to have certainty of title?

Mr. Sinanan: Yes.

Mr. Maharaj: In all the legislation we have looked at you do not have that type of situation because people will be put on notice and there is an obligation on the registry, on the demarcation officer, on the state in order to make inquiries. If you put in something which can give people the opportunity of challenging those certificates of title, then it would not have the certainty that it is supposed to have. We have looked at the legislation, for example, in Antigua, which has worked quite well and there is a situation existing there which is basically what we have here. In Guyana it is the same thing.

The whole thrust of this, however, is to have certainty and if we put a provision in which—that is why the adjudicating officer has to be somebody who is trained and with the Registrar General. They would know this land. You are talking about a situation where the person does not have any title. Then the person would have occupied the land and then left.

Mr. Sinanan: But still has possessory title.

Mr. Maharaj: Yes, but if he has possessory title and he is no longer there and living abroad—[*Interruption*]

Mr. Sinanan: No, but you cannot dispossess him. Say he has possessory title for 16 years and he leaves. During the period in which this exercise is taking place—because this exercise will take place perhaps in the particular location over maybe a month or so—he comes back and he resumes possession. In other words, he does not lose his possessory title because he is away for a period of time during which this exercise is conducted. What I am trying to get at is some saving provision whereby—[*Interruption*]

Mr. Maharaj: Well, it does not prevent court action, you know. For example, the Act specifically says it does not prevent people going to court on an ordinary basis.

Mr. Sinanan: Okay, this is the assurance I am looking for. If it is that an aggrieved party in such circumstances can go to court—[*Interruption*]

Mr. Maharaj: He still has his right to go to the High Court.

Mr. Sinanan: And get redress whereby this thing can be changed.

Mr. Maharaj: I mean, even after all this is done, let us say somebody says there was fraud or there was some other situation, he can always file an action in the High Court.

Mr. Sinanan: Perhaps that is the answer.

Mr. Maharaj: So it does not take away the jurisdiction of the High Court to set aside matters and to make whatever orders it considers necessary.

Mr. Sinanan: That perhaps is the answer.

Mr. Maharaj: I am not saying that is it, but one could think of—since the state would be responsible for this and if the state has not performed its duty properly it may be that even under clause 14 the person might have—*Interruption*]

6.30 p.m.

Mr. Maharaj: I am saying that you want to think of it since the state would be responsible for this, and if the state has not performed its duty properly, it may be that even under clause 14, the person might—

Mr. Sinanan: You see, you have situations in the middle where you may have a purchaser for value without notice, so that he annexes more land than he is entitled to and he has a certificate, then he sells one to a purchaser for value without notice, what do you do? Then you are opening up the state to a number of claims for compensations under the fund, because the chap will go to the court and establish his title that look, "This owner has annexed more land than he is entitled to", but you cannot go against the land because you have a purchaser for value without notice.

Mr. Maharaj: But it is not going to be that reckless that you will have a situation because, as the hon. Member will know, there is a record of who owns land and who does not own land. The problem would probably only arise if there

is a process for title, but this is a very small society and if one is living in a village, or in Diego Martin, people will know who used to occupy this land or that land and, therefore, the state officer would have to be trained and would know that it is an administrative matter.

Mr. Sinanan: I know it is a difficult position, but do not think that it is all that certain.

Mr. Maharaj: No. No.

Mr. Sinanan: Because in land acquisition we always talk about "now or formerly".

Mr. Maharaj: But in these matters, there would be instances where there may be errors and they would have to be corrected. People would get compensation but you have to balance it to see what is the general good.

Mr. Sinanan: I think the saving grace here is that you can go to court ultimately and get redress.

Mr. Maharaj: I am quite correctly reminded that in a case where the officer has the person who produced his documents, *et cetera*, or for any other reason he has some doubts, he can give a provisional title and he does not have to give an absolute title.

Question agreed to.

Clause 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I wish to move that clause 7 be amended as follows:

Delete subclauses (1) and (2) and substitute the following:

"(1) Notwithstanding any other written law, no action claiming an interest in land or rights to land in an adjudication section shall be entertained by any civil court unless notice of the action has been served upon the Adjudication Officer.

(2) The Court may stay the hearing of the action referred to in subsection (1) upon the application of the Adjudication Officer.".

This amendment is to make it quite clear that persons cannot be denied access to the courts and what it does, however, is where there is an adjudication section,

before the court can determine an action, there must be evidence of notice of the service of the action upon the adjudication officer, but it does not prevent the court from determining the matter as long as the adjudication officer is served and the court will have the power to stay the hearing of any action referred to.

Mr. Sinanan: Would you take a [*Inaudible*]

Mr. Maharaj: What do you mean? All it means is that if you have in the adjudication section that is being—let us say you are having adjudication in St. Joseph Village and somebody in St. Joseph Village has to file an action in respect of any aspect of the land. While this process is going on, you want to ensure that if any action is being filed, the adjudication officer would know. So, what you are saying is, the court cannot deal with the matter unless there is evidence of notice given to the adjudication officer and, let us say, for example, that somebody wants the action to be stayed until the adjudication process is completed, the court is given the power expressly—I do not think you needed it—to be able to stay the proceedings.

Question put.

Mr. Maharaj: Mr. Chairman, I do apologize for some of these matters, but the staff has been working under tremendous pressure for the day and under clause 7(4) we have a consequential amendment to delete 7(4) because of what we are amending.

Mr. Speaker: In terms of the circulated draft and with a deletion of 7(4).

Question agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Mr. Sinanan: Clause 9(1), page 7. Why not "shall"?

Mr. Maharaj: Sorry, what clause?

Mr. Sinanan: Clause 9(1).

Mr. Maharaj: "If the Adjudication Officer is satisfied that any person, who has not made a claim, has a claim to any interest in land within the adjudication section, the Adjudication Officer may, after giving such further notice as the circumstance require, proceed as if a claim had been made, and may call…"

Mr. Sinanan: I am suggesting that you replace "may" with the word "shall" in both places.

Mr. Maharaj: But you do not want to give him that discretion of "may", if you are dissatisfied:

"…that any person, who has not made a claim, has a claim to any interest in land…"

Mr. Sinanan: He must do it, so he "shall". If you say "may", you are giving him a discretion not to do it.

Mr. Maharaj: Sorry. That is the point you are making.

"…shall, after giving such further notice..."

Mr. Chairman: In the third to last line.

Mr. Maharaj: "…and shall call upon the Registrar General to supply him with a certified copy of any document of title…"

You are correct. It should be "shall". I am sorry, Mr. Chairman.

Mr. Chairman: No. That is okay. Clause 9 will be amended to change the word "may" in the fifth to last line and "may" in the third to last line, to the word "shall".

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clauses 10 and 11 ordered to stand part of the Bill.

Clause 12.

Question proposed, That clause 12 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, in clause 12(3), I beg to move that it be amended as follows:

In subclause (3), delete all the words occurring after the words "on such land".

What this is doing is, it seems to me that under 12(3), it was going to put this priority over all other matters except taxes, and I have deleted that because that would not be right. So that is why I have stopped it at "land", so it would read:

"Any order for the payment of compensation or expenses made against the owner of any land shall create a debt and be a charge on such land."

And take off the rest.

Mr. Sinanan: Clause 12(1)(b) talks about:

"The Demarcation Officer shall—

(b) with the consent of the owners concerned, adjust the boundaries of any parcel of land in the adjudication section to ensure the more beneficial occupation thereof or to effect a more suitable subdivision thereof;"

What about if there is no consent?

Mr. Maharaj: If there is no consent, just without their consent. Well, it has to be done on the basis of what is the man's land. In other words, if you have two people agree that we adjust the boundaries because they will better enjoy the land that you will take part of that and take part of that—

Mr. Sinanan: If not, the *status quo* would remain.

Mr. Maharaj: Sorry?

Mr. Sinanan: If not, the *status quo* would remain. And in clause 12(1)(c) when we talk about the demarcation officer shall:

"make any reservations he considers necessary for the purposes of defining existing roads and paths…"

I can understand that, but I do not understand what that is going to do for better drainage of the land. To me, that might be a function for the Ministry of Works and Transport and the Director of Drainage. Would a demarcation officer be qualified?

Mr. Maharaj: But he would only make reservation for drainage if he consults with the Ministry of Works and Transport. The state is doing it, so there will be a co-ordinated effort. We cannot put in the Bill "with the consent of the Ministry of Works and Transport", or "with the approval of the Ministry of Works and Transport", because the state is involved in its own process.

Mr. Sinanan: But I am saying that you have a demarcation officer not knowing what you were just saying there and who will decide to put—

Mr. Maharaj: No. What will happen is that these demarcation officers, *et cetera*, will be under a ministry and the ministry would have to have training—

Mr. Sinanan: So, the regulations could prescribe. The regulations would take care of some of this.

Mr. Maharaj: They would not say they are under a ministry. They are under a ministry, but there would be a training session, there would be all these things. We would not put all that in regulations, but the state would be liable, so those are administrative matters.

Mr. Sinanan: In other words, what I am saying is this. Drainage is an important thing in that you may have a demarcation officer who is not an engineer and is he going to direct drainage on a particular parcel of land which may not lead to some flooding situation?

Mr. Maharaj: But if you do that, you will never complete a bill because the bill would be like that, because if it is the state doing it, the way it operates is that the state officer would not do drainage unless he brings in whatever his ministry is.

Mr. Sinanan: This is what you are saying. You are saying that the demarcation officer who is a surveyor will then consult with the drainage people. If he gives direction to some matter—

Mr. Maharaj: He cannot make a reservation for drainage unless drainage is involved and the regional corporation and everybody is involved.

Mr. Sinanan: All right.

Question put and agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13.

Question proposed, *That clause 13 stand part of the Bill.*

Mr. Sinanan: Mr. Chairman, clause 13(3) [*Inaudible*] to make reference to clause 13(3), or will it replace the civic address?

Mr. Maharaj: When you say a "civic address" what do you mean?

Mr. Sinanan: That street is a civic address.

Mr. Maharaj: Remember, we said that—I cannot remember exactly where it is—but it will have to include the address also. I think it is later down with all the particulars which would be—

Mr. Sinanan: It does not replace a civic address. In other words, you want to post a letter to whomever and you know he has a Unique Parcel Reference Number. You are posting the letter to an address.

Mr. Maharaj: This is purely for the identification of land by the parcel of land and not by the name.

Mr. Sinanan: The address.

Mr. Maharaj: Yes. Okay?

Mr. Sinanan: Yes, thanks.

Question agreed to.

Clause 13 ordered to stand part of the Bill.

Clauses 14 and 15 ordered to stand part of the Bill.

Clause 16.

Question proposed, *That clause 16 stand part of the Bill.*

Mr. Maharaj: Mr. Chairman, I beg to move that clause 16 be amended as follows:

In paragraph (c), delete the words "a qualified title and recorded as such" and substitute the words "an absolute title and record it as such".

Clause 16 is being amended to give effect to the request of the Member for San Fernando West. Clause 16(c), where the person has a good documentary title instead of a qualified title, he should have an absolute title. Page 2 at the end on the other side of the page, the last amendment.

Mr. Sinanan: What about 16(b)? Clause 16(a) talks about a title of Real Property Ordinance shall be an absolute title. It does not speak of a good title under the common law.

6.45 p.m.

Mr. Maharaj: Clause 16(b) says:

> "a person who without a documentary title is in open and peaceable possession of a parcel of land other than a parcel which is State land and has been in possession…"

Mr. Sinanan: This is without a documentary title.

Mr. Maharaj: That is (c)?

Mr. Sinanan: The way I understand it is that there is absolute title, which is the best title.

Mr. Maharaj: But I have just changed it. The amendment is to change it, to delete the words "a qualified title" and record it as such and substitute the words "an absolute title" and record it as such. They are confusing you, hon. Member. *[Laughter]*.

Question put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clauses 17 to 20 ordered to stand part of the Bill.

Clause 21.

Question proposed, That clause 21 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, if an aggrieved person does not know about the publication of this record, when will the time run against that person? It speaks here of a 90-day period, but the person who is aggrieved is not aware of this adjudication process being completed.

Mr. Maharaj: If the person was not aware and could show good cause why, he ultimately can go to the court and set it aside. What I should say is that efforts would be made to bring this to people's notice apart from the publication because the thrust is to get people to know and to sort it out by agreement.

Mr. Sinanan: In a society such as ours, it is difficult. They are going to put a publication in the press somewhere which, depending on the amount of money they have available, one might need to get a magnifying glass to read the print.

Mr. Maharaj: The person will have redress.

Question put and agreed to.

Clause 21 ordered to stand part of the Bill.

Clause 22.

Question proposed, That clause 22 stand part of the Bill.

Mr. Sinanan: Here it is that the adjudication officer is establishing a quasi court. Will a lawyer be able to attend and represent an aggrieved person?

Mr. Maharaj: All of this is subject to a process before the Land Tribunal.

Mr. Sinanan: I am talking about having a representative at this stage.

Mr. Maharaj: What kind of representative?

Mr. Sinanan: You may have a person who owns land and is not capable of putting his case forward to the adjudication officer.

Mr. Maharaj:: A person could always have a lawyer at any time. What we need the law for is if the person has a non-lawyer representing him, but in any event you would know from the scheme of the Act that whatever the adjudication officer does, the person can have the whole process be called into question at a tribunal.

Question put and agreed to.

Clause 22 ordered to stand part of the Bill.

Clauses 23 to 27 ordered to stand part of the Bill.

Clause 28.

Question proposed, That clause 28 stand part of the Bill.

Mr. Sinanan: Under the law at present, one cannot obtain a possessory title from the state, and this is now changing that law.

Mr. Maharaj: No. This Act does not give anybody any title or anything like that.

Mr. Sinanan: If one is squatting on state lands, right now one cannot gain a possessory title against the state. If you say this Act binds the state, does that imply that if I am squatting on state lands—forget the recent Act we passed—I can defeat the state title? This is what it is implying.

Mr. Maharaj: It does not bind the state so that it alters the law with respect to possessory title against the state. That is how I understand it.

Mr. Sinanan: Right now, one cannot occupy state lands.

Mr. Maharaj: Hon. Member for San Fernando West, one has to prove one's title, and one can only show the title by existing law. The existing law is that one cannot go against the state for title. So, this Act is to provide the machinery to have the title registered, but this law does not change the law of trespass or anything like that.

Mr. Sinanan: That is not trespass. He is in possession and he can prove that he is in possession of state lands. Are you saying that this Act gives possessory title?

Mr. Maharaj: I did not say that. You are saying that. What I am saying is that he has to prove his title in accordance with the existing law. Do you want to recommend that it be amended? I do not think it needs to be.

Mr. Chairman: Is it not possible to indicate the steps in which the state is bound for the avoidance of doubt? Because I could see people arguing.

Mr. Maharaj: I do not think so. It came up and the Chairman of the Law Commission advised that. I would not want to go against that. If it needs amending—

Mr. Sinanan: This is saying you could.

Mr. Maharaj: I do not agree with you.

Mr. Sinanan: All I am asking is that you look at it a second time. Would it be necessary for demarcation officers and survey officers to go into an area where there are already established boundaries and surveys? Does the exercise have to be repeated, or would the officers look at a small area like where I live? They go into that area and there are already boundaries that are demarcated and there are plans. Would the process mean that one has to go over all of this again?

Mr. Maharaj: Yes. The Minister has to declare the order.

Mr. Sinanan: The Minister would declare a certain demarcation area. So, he comes into an established development where everybody has a fence.

Mr. Maharaj: I do not think you understand the Bill. Even if people have their boundaries, he still goes there and gets everybody together so they agree, but they still have to go through the process, otherwise they would not be able to get their new plan for that area.

Mr. Sinanan: I am trying to save the Government some money.

Mr. Maharaj: It cannot work so. There may be 10 people who would have proper titles, but not everybody would have proper titles and proper boundaries. Even in St. Joseph or Vistabella, there may be other people who do not have.

Question put and agreed to.

Clause 28 ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendments, read the third time and passed.

LAND TRIBUNAL (NO. 2) BILL

Order for second reading read.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to establish a Land Tribunal to hear and determine appeals from any decision made in the course of the Land Adjudication process, and from the decision of any other body relating to the use and enjoyment of land, the division, development and the compulsory acquisition of land, and for matters connected therewith and incidental thereto, be read a second time.

In the light of the contribution which I have made, I beg to move that this Bill be read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

7.00 p.m.

Mr. Chairman: We have circulated a list of amendments. I take it that we all have it before us. The amendments are to clauses 3, 4, 7 11, 13 and 14.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 3 be amended as follows:

A. Delete in subclause (3) the word "President" and insert the words "Judicial and Legal Service Commission".

B. Renumber subclauses (5), (6) and (7) as subclauses (6), (7) and (8) respectively.

C. Insert the following as subclause (4):

"(5) The terms and conditions of the Chairman, the Deputy chairman and other members of the Tribunal shall be fixed by the President on the recommendation of the Salaries Review Commission."

D. Delete the renumbered subclause (6) and substitute the following:

"(6) The quorum of the Tribunal shall comprise the Chairman or Deputy Chairman and four other members."

E. Delete in the renumbered subclause (8), all the words from the word "vote".

Mr. Speaker, I gave notice of this in my contribution in which the Judicial and Legal Service Commission would appoint the Chairman and Deputy Chairman with respect to the terms and conditions as fixed by the Salaries Review Commission and a renumbering of the clauses. The quorum of the tribunal shall comprise the chairman; the deputy Chairman and four other members so there will be a five-member tribunal.

Mr. Sinanan: Clause 3(3) is a position similar to the one adopted in the previous Bill where we spoke about an attorney-at-law of seven years' standing. Again, it is a tribunal so we are only dealing with land. If we can adopt the same measure as we did—

Mr. Maharaj: Sure, I agree with that. We can get the same wording.

Mr. Sinanan: Is clause 3(5) similar to what we first approved?

Mr. Maharaj: Yes.

Mr. Sinanan: The Attorney General said that the court would comprise at least six persons, am I right?

Mr. Maharaj: It is five persons. If you look at the amendment at D, it states:

"The quorum of the Tribunal shall comprise the Chairman or Deputy Chairman and four other members."

Mr. Sinanan: Earlier you indicated in your contribution that this court may sit at different places at the same time. There may be a sitting in Port of Spain or in San Fernando. There may even be more than two sittings. Would five members be sufficient to constitute a court? You are limiting the number of members.

Mr. Maharaj: No, that is the quorum of one court, but other people could be appointed. It does not prevent you. There could be a deputy chairman who could head another division. If you look at clause 8 which states:

"Where the need arises, the President may appoint the Chairman as temporary."

Mr. Sinanan: Thank you, very much. Let us come to the casting vote of the Chairman. Is that deleted or is it still included?

Mr. Maharaj: Is that not deleted? I think you are correct. Mr. Chairman, in clause 3(7):

"The decision of the tribunal shall be by a majority vote."

After the word "vote", the rest should be deleted because that was a consequential amendment. The Chief Parliamentary Counsel tells me that it is here. It is correct. It was renumbered; it is now clause 8 which says:

"Delete all the words from the word "vote".

Mr. Chairman: It should read:

"Delete all the words after the word 'vote'.

Mr. Sinanan: Clause 3(8) gives the President the power to appoint other additional members possessing other spheres of expertise. Whilst the chairman and the deputy chairman would have to be lawyers, there may be, for example, the chairman sitting in San Fernando and the deputy chairman in Port of Spain, would you not want to include as"(h)"; lawyers with some experience in conveyancing? In other words, there would only be the chairman and deputy chairman who has experience in law. I think it would assist the tribunal if there were some other members with legal background. It is very simple. In other words after "(g)" include "(h)—"lawyers with some conveyancing experience."

Mr. Maharaj: Attorneys-at-law?

Mr. Sinanan: Yes, Attorneys-at-law.

Mr. Maharaj: Attorneys-at-law with experience in conveyancing. At this stage do you think that it should be experience in land law?

Mr. Sinanan: Land law is fine.

Mr. Maharaj: Clause 3(8)(h) should read:

"Attorneys-at-law with experience in land law."

Mr. Chairman: Before we pass on, I think you need to look at clause 3C, in the list of amendments which states:

"Insert the following as…"

I think it should not be "as", it should be "after subclause (4)". May I also point out that in clause 3C(5) that should really read:

"…of the Salaries Review Commission."

It is not "Salary and Review Commission".

Mr. Maharaj: I suppose this is a typographical error.

Mr. Chairman: Does subclause (8) now become (9)?

Mr. Maharaj: Yes subclause (8) becomes (9).

7.10 p.m.

Mr. Chairman: Clause 3 will be amended as circulated, with the additional changes of:

"after" taking the place of "as" in C;

"Salaries" taking the place of "Salary and" in C;

In E,"after" taking the place of "from".

Clause 3(3) being amended to read "The Chairman and Deputy Chairman shall be appointed by the President, and shall be attorneys-at-law of Trinidad and Tobago of at least seven years' experience in conveyancing or in land law".

By the addition of a new paragraph in subclause (8), which would read, "attorneys-at-law with experience in land law" and (g) becomes (h).

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 4 be amended as follows:

Delete subclause (2) and renumber subclause (1) as clause 4.

As I mentioned in my address, you cannot have a rule that it should not be vitiated if subsection (1) is not complied with. So I am deleting that.

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.
Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, clause 5(1)(a) talks about the jurisdiction of the tribunal and we had determined appeals against the decisions of an adjudication officer. What about appeals against the decisions of a survey officer or a demarcation officer? This is limited only to an adjudication officer. We have these different officers, the adjudication, demarcation and survey officers.

Mr. Maharaj: I think all that goes to the adjudication officer to make a decision, it does not stay on its own, so when it goes to the adjudication officer, then that decision is made. In other words, the matter does not come to the tribunal.

Mr. Sinanan: What about if you have the adjudication officer disagreeing with the demarcation officer or the survey officer? In other words—

Mr. Maharaj: Look at clause 6. It says:

"A person who wishes to object to—

(a) any action or decision of any officer appointed pursuant to the provisions of the Land Adjudication Act; or…

may apply to the Tribunal for directions and the Tribunal may give such directions as it deems proper."

So that was the intention, to cover that kind of situation, but the appeal process, really, is against the adjudication officer. Let us say you do not agree with what a demarcation officer has done and, for directions, you should be able to go to the Land Tribunal. It is a simpler process than an appeal, so let us put it that way. If you will remember, under the Land Adjudication Bill, if there is a dispute, either one of them can refer it, the adjudication officer can refer it to the Land Tribunal.

Mr. Sinanan: Okay. Thanks, Mr. Chairman.

Mr. Maharaj: I just wanted to say, Mr. Chairman, if you will permit me, that even if you look at clause 5(1)(a):

"(a) to hear and determine appeals against a decision of the Adjudication Officer made under the Land Adjudication Act, or to review any recording, cancellation of recording, any revision of registration, or"

So it is kind of wide.

Question put and agreed to.
Clause 5 ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 7 be amended as follows:

Insert the following subclauses:

(6) Notwithstanding any other written law, proceedings before the Tribunal shall be treated for the purposes of the Legal Aid and Advice Act as though they were proceedings before the Supreme Court.

(7) Where a person makes an application to the Land Tribunal, the Tribunal may make an Order for that person to be given Legal Aid for the proceedings before the Tribunal.

(8) Where the Adjudication Officer is of the opinion that a person who has a reasonable cause to appeal to the Land Tribunal is in such financial circumstances that he cannot appeal to the Tribunal, he may recommend that person to the Legal Aid Commission for assistance.

Mr. Chairman, what I am proposing here is how the proceedings before the Tribunal shall be treated for the purposes of the Legal Aid and Advice Act. This is really to give power to the Land Tribunal to give legal aid to persons whom they think are deserving and also for the adjudication officer to recommend that a person be able to get legal aid. Notice in subclause (8), they recommend that person to the Legal Aid Commission.

Mr. Sinanan: Authority.

Mr. Maharaj: It is the Legal Aid Authority.

Mrs. Persad-Bissessar: It is the Legal Aid Advisory Authority.

Mr. Maharaj: I am told that under the new Act, that it is the Legal Aid Advisory Authority. Can I ask that the draft be corrected to say "Legal Aid Advisory Authority" instead of "Legal Aid Commission" in subclause (8)?

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 to 10 ordered to stand part of the Bill.
Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 11 be amended as follows:

Delete and substitute the following:

Powers of the Tribunal	11.(1) The Tribunal shall have the power to compel attendance and examination of witnesses and production of documents.
	(2) All summonses for attendance of witnesses or production of documents, shall be in such form as may be prescribed.

Mr. Chairman, you, as well as hon. Members, will recall when I made my presentation, that I indicated it was because there are certain restrictions of a tribunal that it does not have all the powers and privileges of the High Court. Therefore, we decided to specify what powers it should have and how the summonses are to be served. So that, that is exactly what it does in that amendment.

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 ordered to stand part of the Bill.

Clause 13.

Question proposed, That clause 13 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 13 be amended as follows:

Delete the words "High Court" wherever they occur in this clause and substitute the words "Court of Appeal".

Mr. Chairman, again, hon. Members would recall that in my presentation, I indicated that we were putting the appeal from the tribunal to the Court of Appeal as part of the Supreme Court of Judicature, and from the Court of Appeal to the Privy Council.

Question put and agreed to.

Clause 13, as amended, ordered to stand part of the Bill.
Clause 14.

Question proposed, That clause 14 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 14 be amended as follows:

A. Delete subclause (1) and substitute the following:

"(1) An appeal against a decision of the Court of Appeal shall lie to the Privy Council subject to section 109 of the Constitution."

B. Delete subclause (2) and renumber subclause (3) as subclause (2).

C. Delete the marginal note and insert the following:

"Appeals to the Privy Council".

Question put and agreed to.

Clause 14, as amended, ordered to stand part of the Bill.

7.25 p.m.

Clause 15.

Question proposed, That clause 15 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, in clause 15(4), there was a point raised earlier on by the Member for San Fernando East which says;

"The terms and conditions of the Registrar and Deputy Registrar of the Tribunal shall be determined by the President."

Is it that you want to leave "President" there? I think, in the other Bill you indicated that it is to be determined by the "Minister"—

Mr. Maharaj: No, but, it has to be the "President" for the Registrar and the Deputy Registrar. Because this would be a Salaries Review Commission post; this will be a full post. I do not know if I could answer the point that, I think, the hon.

Member for Diego Martin West asked. The Registrar and Deputy Registrar should be lawyers because they ought to know about law in these matters. It cannot be just land administration because the Registrar would be performing the sort of legal functions at the court—*[Interruption]* It would be the Registrar and Deputy Registrar; the Deputy Registrar acts for the Registrar at times. The land management people could be part of the Tribunal, but in order to perform the functions—

Mr. Sinanan: Mr. Chairman, is the Attorney General saying that the Registrar and Deputy Registrar should be lawyers?

Mr. Maharaj: Yes.

Mr. Sinanan: So we will have to make an amendment here.

Mr. Maharaj: Why?

Mr. Sinanan: It does not say that they should be lawyers.

Mr. Maharaj: Clause 15(2) says:

> "The Registrar and Deputy Registrar…shall be attorneys-at-law…" who have been admitted to practice.

Mr. Sinanan: Sorry, yes, it says that the "President" would appoint.

Mr. Maharaj: Yes, because it would be under the Public Service Commission. Sorry, it is a good thing the hon. Member mentioned that; it is the Judicial and Legal Service Commission. I am sorry, Mr. Chairman.

Clause 15(3) should read:

> "The Registrar and Deputy Registrar…shall be appointed by the Judicial and Legal Service Commission and the other officers shall be appointed by the Public Service Commission."

Mr. Sinanan: And the other officers?

Mr. Maharaj: Yes. They are the officers of the court. In other words, those would be the full-time people.

Mr. Sinanan: Mr. Chairman, in clause 15(4), the terms and conditions of the Registrar and Deputy Registrar shall be determined by whom? Is it the President?

Mr. Maharaj: By the Salaries Review Commission. I think Mr. *[Inaudible]* would feel happy about the salaries.

Mr. Sinanan: Very much so.

Mr. Maharaj: You see, if you look at subclause (6), it says:

"The officers other than the Registrar and Deputy Registrar of the Tribunal shall be public officers and shall, for the purposes of this Act, be under the supervision of the Registrar or the Deputy Registrar, as the case may be."

Mr. Chairman: Hon. Members, the question is that clause 15 be amended whereby in clause 15(3) it shall read:

"The Registrar and Deputy Registrar of the Tribunal shall be appointed by the Judicial and Legal Service Commission, and the other officers of the Tribunal by the Public Service Commission, and shall perform all such duties and functions under the direction of the Chairman, as are necessary for the proper administration of the business of the Tribunal.

In subclause (4), it shall read;

"The terms and conditions of the Registrar and Deputy Registrar of the Tribunal shall be determined by the Salaries Review Commission."

Mr. Sinanan: Just a comparison here, Mr. Chairman. Here we are saying in this Act that they are "public officers." In the previous Bill it did not say that they are "public officers," what is the distinction?

Mr. Maharaj: In the previous Bill, the persons were temporary; they were not going to be "public officers", because they would be there probably one year, two years, or whatever it is.

Mr. Sinanan: It takes more than that, you know. I just want to know if that is the distinction.

Mr. Maharaj: I do not know if you know how it operates, in that, if you have to create the "public office" it might take five years.

Mr. Sinanan: I understand that difficulty also.

Mr. Maharaj: I am talking about the practical measures. In other words, while that is there, you could probably create the "public officers."

Mr. Speaker: Hon. Members, the question is that clause 15 be amended in terms of what was just read out? *[Laughter]*

Question put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clauses 16 to 18 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment, read the third time and passed.

PROCEDURAL MOTION

The Attorney General (Hon. Ramesh Lawrence-Maharaj): Mr. Speaker, before you suspend the sitting for a while, because of certain reasons, can we be sure that we could move the Motion to continue?

I beg to move that, notwithstanding the time, and in accordance with the Standing Orders, the House do sit until we complete the remaining stages of a bill to provide for the register of land titles, and to provide for the registration of estates and interests in land, in the register."

Mr. Speaker: Hon. Members, the question is that notwithstanding the hour, this House continues to sit until the completion of the Registration of Titles to Land (No. 2) Bill, 1999.

Question put and agreed to.

The House would be suspended for just about three minutes.

7.35 p.m.: *Sitting suspended.*

7.39 p.m.: *Sitting resumed.*

REGISTRATION OF TITLES TO LAND (NO. 2) BILL.

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, in the light of statements I made in my contribution, I beg to move,

That a Bill to provide for a register of land titles, and to provide for the registration of estates and interests in land, in that register be read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: Hon. Members, I draw to your notice that there are no amendments, which have been circulated as yet.

Mr. Maharaj: And none will be circulated. [*Crosstalk*]

Mr. Sinanan: [*Inaudible*]

Mr. Chairman: If you indicate which are the clauses on which you wish to speak.

Mr. Sinanan: Clauses 5, 6, 15, 16, 19, 21, 24. [*Crosstalk*]

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, in clause 5(2) I am suggesting that we replace the word "may" with the word "shall". We may have a situation where the Registrar is not appointed.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, again, in clause 6 a consequential amendment as in the other two Bills where we spoke about an attorney with seven years' practice in the experience of conveyancing matters.

Mr. Maharaj: Do you want seven or five years?

Mr. Sinanan: Keep it consistent. Seven years' experience in land law.

Mr. Chairman: The amendment should, therefore, read:

"No person shall be appointed as Registrar, or Deputy Registrar or an Assistant Registrar unless he is an attorney at law of at least seven years' experience in land law."

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 to 14 ordered to stand part of the Bill.

Clause 15.

Question proposed, That clause 15 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, some clarification on the last line of clause 15 where it says, "…any other estate or interest granted by the State". Mr. Attorney General, would this include letters of comfort? I am not sure whether letters of comfort in that Act would create an estate or interest?

Mr. Maharaj: No, because if I remember now, the letter of comfort does create an interest in land, it is just that you would not be evicted. It still belongs to the state.

Mr. Sinanan: So "…any other estate or interest…" does not include here the letter of comfort?

Mr. Maharaj: No; remember when we were debating it that day—

Mr. Sinanan: I just wanted a clarification.

Clause 15 ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, clause 17(3) states:

"The Registrar shall, upon request of the proprietor of the lease, create a folio for any lease for a term which is not less than twenty-one years…"

In other words, that is a lease for more than 21 years. What about a lease that is less than 21 years?

Mr. Maharaj: I am told that would be recorded as an encumbrance.

Mr. Sinanan: When it is an interest in land it is not an encumbrance. This deals with a lease that is for more than 21 years, but you can, in fact, have a lease for less than 21 years that creates an interest in land. [*Crosstalk*]

Mr. Maharaj: The certificate of title would be issued for a lease over 21 years, but under 21 years you would not issue a certificate of title.

Mr. Sinanan: Then that is wrong; you may have a lease for 20 years with an option to renew, for example, and you can take a mortgage on that. Any commercial bank would give you a mortgage on that also; as I said, the lease could include an option. I think the Woodbrook leases, if I am not mistaken, are for 20 years.

Mr. Maharaj: I think the owner would have the certificate of title for a lease under 21 years or whatever it is, but—

Mr. Sinanan: What I am saying is that you are defeating the person's right to mortgage that land because when you say it is an encumbrance—

Mr. Maharaj: You could still get a mortgage, except you would not get a certificate of title.

Mr. Sinanan: How would a mortgage be endorsed when on the certificate it is shown as an encumbrance?

Mr. Maharaj: There would be a record that you have an encumbrance or that there is a lease for whatever it is, 20 years.

Mr. Sinanan: I do not really quite understand the rationale why it is not registering the lease—

Mr. Maharaj: Well, if that is the case then you can give a person a certificate of title for a lease of four years then?

Mr. Sinanan: No, the law, at present, says that a lease over 103 years may not be registered, and a lease that is three years and more, you must register it. You are putting a difficulty on a chap on a lease for less than 21 years, because here you are listing it as an encumbrance. Suppose the fellow wants to mortgage it, the fact that you have labelled it as an encumbrance would that not create doubt in the mind of some financial institutions that this here is listed as an encumbrance?

7.50 p.m.

Mr. Maharaj: Under the present set up, a person with a lease under 20 years does not get a certificate of title. The owner gets a certificate of title, but it does not prevent him from—let us say it is Real Property Ordinance (RPO) and he has a lease, he does not get a certificate of title, the owner has the certificate of title.

Mr. Sinanan: No, no he gets a lease; once you get a lease, there is a certificate of title with a lease.

Mr. Maharaj: Not under 20 years.

Mr. Sinanan: But there is, in fact, for 21 years. I am still thinking there is something wrong, you are defeating the title.

Mr. Maharaj: You are not defeating the person, the person can still assign by way of mortgage, his interest, but he does not have a certificate of title.

Mr. Sinanan: He assigns it, but it is the owner's certificate of title, the owner retains possession, but is subject to a lease saying he can mortgage it. The mortgagee wants to sell, he now has to go to the owner for a certificate of title at least to get the endorsement.

Mr. Maharaj: Not necessarily, because under the system you would have the record there. With the present system you cannot do anything without the certificate of title, but under the new system you will be able to effect transfer without the certificate of title because the record would show who owns the land, what encumbrances are there and there will be a lease in favour of Mr. A for 20 years.

Mr. Sinanan: It is not recorded here. Is there a provision where a duplicate certificate would be issued to the owner as it is now? In other words, what document does the registered proprietor owner holds to prove that he owns this land?

Mr. Maharaj: There is provision for a duplicate and probably if the owner wants to have five duplicates he may be able to get five duplicates, but under the new system, that is not necessary in order to have an effective transaction. Under the system you have now, if the owner decides to hide his certificate of title, you cannot register that because that is not how the system works.

Mr. Sinanan: You are giving us the assurance that he has a lease under 21 years, which can in fact be recorded.

Mr. Maharaj: It would have to be recorded, because that is the whole system. All the encumbrances would have to be recorded.

Question put and agreed to.

Clause 17 ordered to stand part of the Bill.

Clause 18 ordered to stand part of the Bill.

Clause 19.

Question proposed, That clause 19 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, I need some clarification on clause 19(4). It says:

"No interest folio shall be created under this section unless a map or plan, duly certified by the Director of Surveys indicating the mines or minerals to which the interest folio relates is lodged with the Registrar."

I am lost here. How could the Director of Surveys indicate on a map the mines or minerals? This relates to mines and minerals and you are saying it must be indicated by a map or plan indicating the mines or minerals.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 19 be amended as follows:

"Insert in subclause (4) after the word 'plan', the words 'of the land'."

Question put and agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20.

Question proposed, That clause stand part of the Bill.

Mr. Maharaj: Mr. Chairman, can I ask that clause 20 be amended to include after the word "Act", the words "when it comes into operation." It now reads:

"20. The Registrar shall create a separate folio in respect of each unit and the common property designated by a condominium scheme in accordance with the provisions of the Condominiums Act when it comes into operation."

Question put and agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clauses 21 to 23 ordered to stand part of the Bill.

Clause 24.

Question proposed, That clause 24 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, the Attorney General indicated that the original certificate of title was kept at the registry and a proprietor can have as many copies of the original.

Clause 24(1) says:

"The Registrar shall, if requested by any proprietor…"

I think a registered proprietor shall be given a copy as a right. The reason I am saying that is many people own land and are not necessarily acquainted with the

legalities of it. In Trinidad, people like to hold a piece of paper, in common parlance: I am holding the deed, or I am holding the paper for the land. I am suggesting that this copy of this certificate of title should really be given and not wait for the person to request it because people like to know they have the paper to the land, or the deed. They like to hold something.

Mrs. Persad-Bissessar: If you feel that way, request it.

Mr. Sinanan: What I am saying is that those who are *au fait* with commercial activities and business and so forth would request it, but there are a fair amount of the population who are not that way.

Mr. Maharaj: The person will request and pay to get it. If you put the word "shall" it means the state would have to distribute it. The word "shall" is a mandatory duty; you will have to distribute it.

Mr. Sinanan: In some places this same mandatory you are talking about it has to be signed where the proprietor is available.

Mr. Maharaj: They would probably have to sign it, but I do not think you have to give them it.

Mr. Sinanan: If they do not request it, they cannot sign it.

Mr. Maharaj: With the greatest respect, I am not understanding the Member.

Mr. Sinanan: What I am saying is that under the present system, the Real Property Ordinance system, you have an original which is kept and a duplicate which is the registered proprietor's copy. Under this system, what you are saying is here you have the certificate of title at the registry and you could only get one if you request it. I am saying that once you have it, and the process is completed, the person shall be entitled to it as of right. In other words, there must not be a request for it.

Mr. Maharaj: The person is entitled to it as of right if the person applies, and the person who applies would have to pay a fee or charges for it, but if you put it otherwise it means the obligation is on the state to give it to the person and whether the state gives it to him in Toco or in Cedros you will have to look for him and give it to him.

Question put and agreed to.

Clause 24 ordered to stand part of the Bill.

Clauses 25 to 27 ordered to stand part of the Bill.

Clause 28.

Question proposed, That clause 28 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, clause 28(2) talks about circumstances of rejection. It says:

"(2) Where the Registrar rejects an instrument or document he shall return the instrument or document and give notice of the rejection and reasons for such rejection in such form as may be prescribed."

Presumably, this will be in writing. It is best to say it should be in writing.

8.05 p.m.

Mr. Maharaj: These are normally done on forms. It is better to protect the Registrar to have it done on a form…and if you are going to have an appeal you will want to see a document. If you look at clause 28(3):

"Any person who is aggrieved by the rejection may appeal to the Tribunal."

Mr. Sinanan: Mr. Chairman, the form brings me back to this question. In other words, before the Act becomes operational, all these forms have to be available.

Mr. Maharaj: That is not difficult. I understand that they are ready.

Mr. Sinanan: Very good.

Mr. Maharaj: Clause 28(2):

"Where the Registrar rejects an instrument or document he shall return the instrument or document and give notice of the rejection and reasons for such rejection in such form as may be prescribed."

So, do you withdraw your objection to clause 28?

Mr. Sinanan: Yes.

Question put agreed to.

Clause 28 ordered to stand part of the Bill

Clause 29 ordered to stand part of the Bill.

Clause 30.

Question proposed, That clause 30 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, clause 30(2) states:

"The Registrar may cancel any entry in the Register where he is satisfied that the entry has ceased to have effect."

I am just thinking that when you cancel an entry for a period of time, you may have some court case in the future. Would this be destroyed in evidence if we have to use it in a court case?

Mr. Maharaj: It would be all part of the record. It does not mean to say that the records are destroyed.

Mr. Sinanan: It means that the entries are destroyed.

Mr. Maharaj: Clause 30(2) says:

"The Registrar may cancel any entry in the Register where he is satisfied that the entry has ceased to have effect."

So the entry is not destroyed, it is cancelled.

Question put agreed to.

Clause 30 ordered to stand part of the Bill.

Clause 31 ordered to stand part of the Bill.

Clause 32.

Question proposed, That clause 32 stand part of the Bill.

Mr. Sinanan: Clause 32 (1), should there be a stated time for the Registrar to do this? It does not talk about a time it just states:

"…the Registrar may, and shall if required to do so by an aggrieved party, state a case for the opinion of the Court;"

Mr. Chairman, should we put some time limit on this? In other words, if this is open there must be a time for the Registrar to do that.

Mr. Maharaj: Let us say, suppose you picked up an error at any time, if you put a time, you would be circumscribing the powers of the Registrar because then it means to say, that errors by mere passage of time could become rectified.

Mr. Sinanan: Clause 32(2) again, that talks about the Registrar making a decision as to cost:

"Where an aggrieved party requires the Registrar to state a case…such party shall deposit with the Registrar such sum as the Registrar shall consider sufficient…"

I am not questioning the competence or the fairness of the Registrar but, is this to be wide in terms of should we say a certain sum?

Mr. Maharaj: When the Registrar does this is there any way if a person is dissatisfied that he or she can get the court to waive the sum that is ordered to meet the cost?

Mr. Sinanan: Yes. Suppose the Registrar, in a "fit", decides that the person should deposit $10,000 and that is an outrageous sum to deposit.

Mr. Maharaj: What we can do is put a clause saying that the court would have the power, in any event, to vary any such order that the Registrar might make. No, no, I think we better put "the power of the court to vary." Can we put a subclause (3)? "The case for the opinion of the court."

Mr. Sinanan: That would be clause 32(3).

Mr. Maharaj: I think what we should do is put "power to the Tribunal" because from the Tribunal, one could appeal to the Court of Appeal. So let us say:

"An aggrieved party may appeal to the Tribunal from the decision of the Registrar as to the quantum of the sum to be deposited under subsection (2)."

Question put and agreed to.

Clause 32 as amended, ordered to stand part of the Bill.

Clauses 33 to 37 ordered to stand part of the Bill.

8.15 p.m.

Clause 38.

Question proposed, That clause 38 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, I seek a clarification here again. Here it is the Registrar shall make available to the public, prescribed forms. Now these prescribed forms have to bear the signature of an attorney-at-law who signs as having prepared the document. I do not know, Mr. Attorney General, whether there is now any procedure in place whereby the Registrar General's Department would know who is an attorney-at-law. Sometimes, for example, there are

attorneys who have been disqualified or suspended. An attorney who is suspended, can he prepare a deed?

It is not really an amendment. It is just something I am throwing out to you to consider. Because anybody can—if you give this form to the public, presumably it is there for somebody in the public to fill it out and somebody, a member of the public, can sign this form—even though you have recourse and so on.

Mr. Maharaj: Well ultimately, the way the system is working, you may not even need a lawyer. Because the member of the public—[*Interruption*]

Mr. Sinanan: I was worried about that until I read the clause.

Mr. Maharaj: It would make it very expensive for persons to always approach the registry only through a lawyer.

Mr. Sinanan: And you are saying that you do not need a lawyer to do this?

Mr. Maharaj: To do what?

Mr. Sinanan: To deal with these prescribed forms.

Mr. Maharaj: You mean to get the forms?

Mr. Sinanan: No, no, to fill out the forms.

Mr. Maharaj: To fill out the forms?

Mr. Sinanan: In other words, the member of the public would get the form from the Registry and take it to an attorney. That is what it is.

Mr. Maharaj: But it depends on what forms.

Mr. Sinanan: A prescribed form could be a form of the memorandum of transfer, for example, as you have now in the Real Property Ordinance. There is a schedule that gives you a prescribed form. So, I mean, a prescribed form could relate to a form of deed, a form of instrument of transfer.

Mr. Maharaj: But we cannot put that every form—I mean, the lawyer is requested to execute the document. What has to happen is that the registry must have machinery in place with security to ensure that the forms are not misused or abused, or whatever it is.

Mr. Sinanan: Okay, it was more of an administrative thing. Thank you, Mr. Attorney General.

Question put and agreed to.

Clauses 38 ordered to stand part of the Bill.

Clauses 39 to 40 ordered to stand part of the Bill.

Clause 41.

Question proposed, That clause 41 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, in clause 41(4), as I had indicated earlier in my contribution, there is now no distinction between an attorney-at-law and a conveyancer. I am suggesting that the words, "or conveyancer", be deleted.

Mr. Maharaj: You want to delete what?

Mr. Chairman: The words, "or conveyancer".

Mr. Sinanan: We are all now attorneys-at-law.

Question put and agreed to.

Clause 41, as amended, ordered to stand part of the Bill.

Clause 42 ordered to stand part of the Bill.

Clause 43.

Question proposed, That clause 43 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, again, clause 43(1) talks about:

> "…all instruments accepted by the Registrar shall be retained in the Land Registry for so long as they support a living entry in the register and for six years thereafter."

Fair enough. Now again, you see, earlier on we had the entry and I accepted that point. Now, we are talking about the instrument. Now, we are destroying the instrument that creates the actual certificate. Again, in the future, for evidential value, if you destroy the instrument where are you going to get the evidence from?

Mr. Maharaj: Well, that is always a problem when you are going from a paper environment to a paperless environment and there is always the fear—

Mr. Sinanan: But you accept what I am saying?

Mr. Maharaj: Yes, yes, and it may be that you want to hasten slowly with this.

Mrs. Persad-Bissessar: There is statute pertaining—[*Interruption*]

Mr. Sinanan: But the statute would only arise when the cause of action becomes law, so that six years is neither here nor there. Why not extend the period to 10?

Mr. Maharaj: I will have to use my discretion here so what I will do is see how the system works first before we decide to destroy instruments. So it could read:

"Subject to subsection (2) all instruments accepted by the Registrar shall be retained in the Land Registry."

Mr. Sinanan: "...as long as they support a living entry."

Mr. Maharaj: No, well—[*Interruption*]
Mr. Sinanan: Or:

"…in the Register at any time for six years thereafter."

Mr. Maharaj: No, I think we should stop at "Land Registry" and we could always come back to the Parliament for the power to destroy.

Mr. Sinanan: Very good. So we are deleting from, "for so long as they…"?

Mr. Maharaj: So we could delete:

"…for so long as they support a living registry in the Register and for six years thereafter."

and then we go to subclause (3). We will have to delete that.

Mr. Sinanan: Yes, the same problem is there.

Mr. Maharaj: We will have to delete subclause (3), not so?

Mr. Sinanan: That is right.

Mr. Maharaj: Because we can come back and see how it—instead of destroying instruments. I think instruments are—although I have been assured that you will have the scanned image. It is there, you can check, *et cetera*, but I think people want to be sure how it works first, the confidence is built and then you will take it from there.

Clause 43, as amended, ordered to stand part of the Bill.

Clause 44.

Question proposed, That clause 44 stand part of the Bill.

Mr. Chairman. We still have, hon. Members, to consider an amendment on clause 44. Do you have something on clause 44?

Mr. Sinanan: Yes, Mr. Chairman. I need a clarification, Mr. Attorney General. Right now the law is that a minor can deal with property, in the sense that you have a minor owning property, and the guardian could go to court and get an order to sell or lease that land. Does clause 44 prohibit that? Particularly, say, section 44(2) which reads:

> "Nothing in this section enables any such person to deal with land or any interest in land by virtue of such registration…"

So the minor is registered but you are saying that he cannot deal with the land.

Mr. Maharaj: Well let us take a look at it. The name of the minor is entered on the register, right. That is 44(1). You have no problem with that. Clause 44(2) says:

> "Nothing in this section enables any such person to deal with land or any interest in land by virtue of such registration, and where to his knowledge a minor is registered, the Registrar shall enter a restriction accordingly."

It is there where you have the problem. You are saying that this gives power to deal with the land even though no one is appointed on behalf of the minor.

Mr. Sinanan: Well you see, it takes away the power because the existing law is that you can go to court and get an order appointing a guardian, or somebody, to deal with the land and the minor can only sell or lease the land. The minor cannot even mortgage the land. I have seen that happen and judges have been issuing such orders and they are wrong. It is against the law. So this restricts the ability of the minor to deal with the land through an order of the court.

Mr. Maharaj: What is the purpose of this?

"Nothing in this section enables any such person…"

That is any minor, right?

Mr. Sinanan: Yes.

Mr. Maharaj: Then it goes on:

"…to deal with land or any interest in land by virtue of such registration…"

Mr. Sinanan: So the minor is registered. It is a restriction. So you are restricting him from dealing with that. Let us suppose the minor does not have

parents so somebody needs to be appointed a guardian because his family is wiped out in some accident.

Mr. Maharaj: No but does it not—it says:

"Nothing in this section enables any such person…"

but it does not enable the minor to deal with the land by virtue of such registration. It is complying with the law. The minor cannot deal with the land because it is registered in his name.

Mr. Sinanan: That is exactly the point I am making.

Mr. Maharaj: Because in any event under the existing law he cannot deal with land personally.

Mr. Sinanan: Well, obviously, "he" here would include his guardian or somebody.

Mr. Maharaj: No, it does not say that here.

Mr. Sinanan: Well it has to. It precluded him. If it precludes a minor it precludes the guardian.

Mr. Maharaj: No, but it does not, because look at clause 44(3) which states:

> "A minor or any person representing a minor, who applies to register any disposition of land or any interest in land made by the minor shall state in such application particulars of age and date of birth of the minor."

Mr. Sinanan: That makes it worse because 44(2) and (3) seem to conflict.

Mr. Maharaj: No, I do not see that. In 44(2) it is saying the mere fact that the minor is registered on the face of it does not mean that by virtue of that registration he can deal with land. That is in conformity with the existing law. Registration does not give him capacity.

Mr. Sinanan: Okay, fine.

Mr. Maharaj: His capacity must be through a guardian, so this registration does not give him capacity. Then 44(3) goes on:

> "A minor or any person representing a minor, who applies to register any disposition of land or any interest in land made by the minor shall state in such application particulars of the age and date of birth of the minor."

Mr. Sinanan: So the minor can, in fact, dispose of it.

Mr. Maharaj: No. It states what the particulars of the application must be, but this does not affect the existing law about an infant or a lunatic or whomever it is having to get a court order.

Mr. Sinanan: Thank you, Mr. Chairman.

Question put and agreed to.

Clause 44 ordered to stand part of the Bill.

8.30 p.m.

Clause 45.

Question proposed, That clause 45 stand part of the Bill.

Mr. Sinanan: Clause 45(2) says:

"The original of such power of attorney or, with the consent of the Registrar, a copy of thereof certified by the Registrar shall be filed."

You have a case now, where, you can register a power of attorney by itself. Is this implying that when you are filing an instrument, you must also file a power of attorney? In other words, I give to you a power of attorney this year and you are acting on my behalf next year, does that imply that you have to file a power of attorney again?

Mr. Maharaj: I am confused. Subclause (2) says:

"The original of such power of attorney or, with the consent of the Registrar, a copy of thereof certified by the Registrar shall be filed."

As I understand it, that means it is either the original, or with the consent of the Registrar, a certified copy can be filed. Am I not correct? If you look at 45(1):

"Except as provided in subsection (3) no instrument executed by any person as agent for any other person shall be accepted by the Registrar unless the person executing it was authorised in that behalf by a power of attorney executed and verified in accordance with section 41."

And then it says:

"The original of such power of attorney or, with the consent of the Registrar, a copy of thereof certified by the Registrar shall be filed."

Mr. Chairman: It says "a copy of thereof".

Mr. Maharaj: It should be "a copy thereof". I think that is what the hon. Member was talking about.

Question put and agreed to.

Clause 45, as amended, ordered to stand part of the Bill.

Clause 46 ordered to stand part of the Bill.

Clause 47.

Question proposed, That clause 47 stand part of the Bill.

Mr. Sinanan: Clause 47(6) talks about "any length of time".

Mr. Maharaj: "Where owing to any length of time since the execution of the power of attorney or any other reason the Registrar considers it desirable, he may require evidence that the power has not been revoked, and may refuse to register any disposition..."

Mr. Sinanan: I am not happy with "any length of time". Should you state a specific time? Or, what length of time? This is where you may have a power of attorney issued some years ago. In other words, you could have inconsistencies. The Registrar may say six years; the deputy may say 10.

Mr. Maharaj: But you really do not need to go into "any length of time". Would the Registrar not be able—

Mr. Sinanan: No, the idea behind this is, the Registrar would not know whether the donor of the power is alive. What this is asking for here is proof of whether the donor is alive.

Mr. Maharaj: But what difference does it make going to "any length of time"? Would the Registrar not have that power, in any event, that could determine whether that power of attorney is revoked or not?

Mr. Sinanan: This clause is asking for some proof or evidence:

> "…may refuse to register any disposition by the grantee of the power of attorney until satisfactory evidence of its subsistence is produced."

Mr. Maharaj: "Where owing to any length of time since the execution of the power of attorney or any other reason the Registrar considers it desirable, he may require evidence that the power has not been revoked..."

Mr. Sinanan: Now, death revokes the power. I think this is what it is after.

Mr. Maharaj: You want us to come back to this. I will ask them to look at this.

Mr. Chairman: So that 47(6) is to be revisited.

Clause 47 deferred.

Clause 48 ordered to stand part of the Bill.

Clause 49.

Question proposed, That clause 49 stand part of the Bill.

Mr. Sinanan: "Where one or more joint proprietors of any land, lease or charge dies, the Registrar, on proof to his satisfaction of death, shall delete the name of the deceased from the Register."

That is the position with respect to a joint tenant. What is the position with respect to a tenant in common? Would that fall under clause 50?

Mr. Maharaj: There are special rules for a joint tenancy, it automatically goes to the other person, but if you have a tenancy in common, then you have personal representatives.

Mr. Sinanan: But what I am saying is that it is not catering for the tenancy in common. It is catering for the joint tenant situation. What about the tenancy in common situation?

Mr. Maharaj: What about clause 50(1)?

Mr. Sinanan: Clause 50(1)?

Mr. Maharaj: "The legal personal representative, subject to any..."

Mr. Sinanan: But, that is for one person. I mean, that is the owner—"The legal personal representative" of the sole owner.

Mr. Maharaj: Okay, I understand. It should be in clause 50, but it is saying:

"Where a sole proprietor dies,..."

Mr. Sinanan: But a sole proprietor is not—

Mr. Maharaj: A sole proprietor is not a tenant. All right. So, are you happy with clause 49?

Mr. Sinanan: Yes, clause 49 is perfect. It is the tenancy in common.

Clause 49 ordered to stand part of the Bill.

Clause 50.

Question proposed, That clause 50 stand part of the Bill.

Mr. Maharaj: I think what we may have to do is to provide for it in clause 50.

Mr. Sinanan: You can say in clause 50:

"Where a sole proprietor or a tenant in common…"

In other words, you can correct it in clause 50(1), you know.

Mr. Maharaj: But I think it should really be under clause 50 because in clause 50 you are talking about "Transmission on death", therefore, you only deal with a sole proprietor, whereas a sole proprietor or—

Mr. Sinanan: Tenants in common.

Mr. Maharaj:—a tenant in common dies. So, Mr. Chairman, I beg to move that clause 50 be amended to:

"Where a sole proprietor or a tenant in common dies..."

Mr. Chairman: Hon. Members, clause 50 would be amended to read:

"Where a sole proprietor or a tenant in common…"

Mr. Maharaj: Mr. Chairman, can I, for certainty, put:

"Where a registered proprietor or a tenant in common..."

Mr. Chairman: So, that is amended to read:

"Where a registered proprietor or a tenant in common dies…"

Question put and agreed to.

Clause 50, as amended, ordered to stand part of the Bill.

Mr. Chairman: May I ask just one little point? In clause 49, should that not read:

"If one or more joint proprietor…dies…."

Well you have "dies" down there and I think it is "proprietor" dies. "One or more joint proprietors", or "one or more joint proprietor" dies. You have "dies";

"dies" is correct. One proprietor, or if more than one proprietor, but I think it follows the first one. "Dies" is correct, but it should be "proprietor". That is it.

Mr. Manning: "Proprietor" is correct.

Mr. Chairman: It is "proprietor".

Mr. Maharaj: I am not too—

Mr. Chairman: Madam Minister of Education. [*Laughter*]

Dr. Rowley: It is a good thing we had a reshuffle.

Mr. Maharaj: What about Minister Job?

Mr. Chairman: You missed that one, Minister.

Mr. Maharaj: We were going to depend on your skill and expertise in English.

Mrs. Persad-Bissessar: That is grammar from old school.

Clauses 51 to 62 ordered to stand part of the Bill.
Clause 63.

Question proposed, That clause 63 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 63 be deleted.

Mr. Sinanan: Yes, I agree.

Question put and agreed to.

Clause 63 deleted.

Clauses 64 to 66 ordered to stand part of the Bill.

Clause 67.

Question proposed, That clause 67 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, clause 67 deals with "Claims for compensation". Here we have the Registrar determining compensation, but is the Registrar not acting as a judge in his or her own cause? Because it is a problem which originates at the registry and we are saying the Registrar is going to adjudicate compensation for a mistake made by the Registrar and when I say "by the Registrar", I mean "in the department". As a matter of principle, the Registrar should not be a judge in his or her own cause.

Mr. Maharaj: That is a very good point.

Mr. Sinanan: After this, you will bring it back Attorney General.

Mrs. Persad-Bissessar: What do you suggest?

Mr. Sinanan: It should be the tribunal. I do not think we should have an appeal process either. It should just be by tribunal.

Mr. Maharaj: Well, you cannot prevent a person—

Mr. Sinanan: I am saying to leave it to the Registrar and then appeal the—

Mr. Maharaj: "…may apply to the Tribunal for compensation…"

So clause 67(1), after (b):

"…may apply to the Tribunal for compensation and the Tribunal having regard to all the circumstances…"

Mr. Chairman: You have also to do it in subclause (2):

"Where the person who had suffered loss accepts the offer made by the Registrar, the Registrar shall…"

Mr. Maharaj: But you do not want to insulate it. The Registrar can still enter into an agreement.

8.45 p.m.

Mr. Maharaj: Mr. Chairman, I propose the following amendment to clause 67(1)(b):

"A. In subclause (1) paragraph (b) line 2 substitute for the word 'Registrar' where this word appears, the word 'Tribunal".

B. In subclause (2) line 2 substitute for the word 'Registrar' appearing between the words 'the' and 'the' the word 'Tribunal'.

Mr. Sinanan: Mr. Chairman, at clause 67(4) we have a case where people are entitled to VAT refunds and they do not get it for many months and there is a cost. Why do we not provide for interest? Is that too difficult to do? We have a claim, it is assessed to be paid out of the assurance fund and it may take months, or even years to be paid. I am just drawing the example as happens with VAT. Is it fair to the claimant that he has a certificate of assessment of damages, he goes to the assurance fund, and the fund does not have the money? The Act provides that it will be topped up by a charge on the Consolidated Fund. He gets the money from there, but we do have the experience of the VAT situation, and I think it is unfair to a claimant not to get some interest.

Mr. Maharaj: What I am concerned about is that there are several other instances. If we put it in one measure, there can then be inequality. Perhaps, what I should really do is give you some undertaking to look at the whole thing on a global basis, that wherever there is a claim against the state and there is judgment or there is an amount that is due, we will see whether we should have interest on the payment.

Mr. Sinanan: Maybe the tribunal can determine that. The tribunal could order that figure with interest. The problem could be solved there.

Mr. Maharaj: Could I leave this with the undertaking that I will look at it before it goes to the other place? It is a very important decision, and I would not want to make that without consideration by the Ministry of Finance. In any event, if this matter goes to the court, the court would have the power to order interest. The Court of Appeal has the power to order interest. Whether the tribunal should have the power to order interest, that is a matter I would have to look at.

Question put and agreed to.
Clause 67, as amended, ordered to stand part of the Bill.

Clauses 68 to 71 ordered to stand part of the Bill.

Clause 72.

Question proposed, That clause 72 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, at clause 72(1)(b):

"The Assurance Fund is not liable for compensation for any loss, damage or deprivation of land occasioned by-

(b) inclusion of the same portion of the land in two or more certificates of title through misdescription of land parcels."

Here it is again that mistake could be made by the demarcation officer or the survey officer. Why is it that a person must not get compensation for this description, the error of which was made by an officer charged with the performance of a function under the Act?

Mr. Maharaj: The misdescription may not be as a result of his fault. It may be a combination of the Attorney General's and so forth.

Mr. Sinanan: It talks about two certificates of title with two different descriptions.

Mr. Maharaj: The presence of the assurance fund does not prevent people from going to court to get their compensation. The assurance fund must be limited in what it could provide where there could be a combination of other errors apart from the state. I do not think the assurance fund should be used for that.

Mr. Sinanan: I am saying that the mistake is made by the people who are working on this legislation in terms of the demarcation officer or the survey officer. While we have an assurance fund to deal with that, why appeal to the court? There is the Assurance Fund. Go to the land tribunal and it says, "Yes, there is a mistake because of misdescription on two certificates of title with respect to lands," somebody suffers damage.

Mr. Maharaj: Normally, in these matters there are not assurance funds. This legislation decided to put a fund to cover certain cases. We cannot cover all the cases. In the legislation we have seen, this is how they dealt with it. It seems to me that the inclusion of the same portion of the land in two or more certificates of title does not necessarily have to be only as a result of the fault of the Registry, because one could have fault of attorneys in causing the Registry to make this error. Where there is a situation like that, I do not think it is fair for a fund to be used like that, because one must understand that this fund is really to help out in clear cases where there has been a fault of the demarcation officer or the Registry, or whatever it is. This could be for many other reasons.

Mr. Sinanan: This description on the certificate of title could only come from the demarcation officer. It cannot come from the Attorney General.

Mr. Maharaj: Then this fund could be abused, because then it could facilitate those kinds of errors and moneys could be taken from the fund.

Mr. Sinanan: What you are saying is that people would abuse the system.

Mr. Maharaj: But you know that there can be people at the Registry who could be in league with lawyers to facilitate errors to get money from the fund.

Mr. Sinanan: That is putting it a little far.

Mr. Maharaj: Hon. Member, that is putting it a little far? There are situations now in the Civil Registry where there is facilitation by members of staff and there is widespread corruption right now. It has been going on for years and we are trying to detect it. If we put something like this, we can have a fund which is being defeated for the very purpose for which it is being set up.

Mr. Sinanan: I hear you and I agree with you that there are things going on out there, but what you are saying by that statement is that the demarcation officers could be in collusion to cause this.

Mr. Maharaj: With the greatest respect, I do not think you understand what this fund is about. This fund is really to pay compensation, but not to pay all the compensation where people can be in league with conspiracy, with fraud and all sorts of things with other people. This is a fund to help out people where there is a clear case, because if you feel that is the case, you can go to court and file action, otherwise there would not be sufficient money in the fund in order to pay.

Mr. Sinanan: Okay, Mr. Chairman.

Question put and agreed to.

Clause 72 ordered to stand part of the Bill.

Clauses 73 to 80 ordered to stand part of the Bill.

Clauses 81 and 82 ordered to stand part of the Bill.

Clause 83

Question proposed, That clause 83 stand part of the Bill.

Mr. Sinanan: Would these regulations in clause 83 be laid in the House, hon. Attorney General?

Mr. Maharaj: If we want them laid, we should say that they should be laid. I will support in this matter that it is important enough for it to be laid, subject to negative resolution. So, we should specify it.

I propose the following amendment to clause 83:

"A. Renumber clause 83 as clause 83(1).

B. Insert a new subclause (2) as follows:

'(2) Regulations made under this section shall be subject to negative resolution of Parliament'.

Mr. Sinanan: Lastly, Mr. Speaker, I have a comment. I am just saving the Attorney General time in the other place. I am sure he will appreciate it.

Mr. Maharaj: It would not be so late in the night. *[Laughter]*

Question put and agreed to.

Clause 83, as amended, ordered to stand part of the Bill.

Clause 84 ordered to stand part of the Bill.

Clause 47 recommitted.

Question again proposed that clause 47 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, that is the clause I promised we would come back to. I have a suggestion for an amendment:

"A. In subclause (6) line 1 delete the words 'owing to any length of time' appearing after the word 'Where' and substitute the words 'after five years' and in line 2, insert the word 'where' between the words 'or' and 'for'.

9.00 p.m.

Mr. Sinanan: Did you suggest ten years? What about five years?

Mr. Maharaj: What difference does it make?

Mr. Chairman: It sounds to me like the same khaki pants.

Mr. Maharaj: "Where after five years since the execution of the power of attorney…"

Question put and agreed to.
Clause 47, as amended, ordered to stand part of the Bill.

Clause 3 recommitted.

Question again proposed, That clause 3 stand part of the Bill.

Mr. Maharaj: With respect to clause 3, we had amended the last Bill to ensure that appeal is not from the tribunal to the High Court. Here "Court" means the Court of Appeal instead of the High Court.

Mr. Chairman: The amendment is that the word "Court" appearing in clause 3 which reads: " 'Court' means the High Court;" should now read: " 'Court' means the Court of Appeal."

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, after this legislation, I just want to say that Mr. Sinanan is one of the best conveyancing lawyers in San Fernando. *[Desk thumping]*

Mr. Chairman: Did you say in the country?

Mrs. Persad-Bissessar: One of. He probably deserves a Ph.D. for keeping us here until this time.

Mr. Chairman: Do you know that it is the Greeks who said, *Timeo danaos et dona ferentes.*

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, with amendments; read the third time and passed.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, before moving the adjournment, it would only be right for me to express our thanks to the Opposition and, in particular, the hon. Member for San Fernando West who led the amendments which were made.

I beg to move that this House do now adjourn to Thursday November 18, 1999 at 10:30 am.

As I indicated, on the last occasion, we had agreed to a schedule. Today we have been able to comply. On Thursday we will be discussing the Occupational Health and Safety Bill. We know that we discussed that before. The Bill went to the other place. It also went to a select committee and has come back with some amendments. *[Interruption]* It is the same policy in the Bill with some amendments.

On that date, we will also deal with a motion on the Order Paper which is in the name of the Minister of Trade and Industry.

Mr. Manning: Does that have to do with casinos?

Mr. Maharaj: The motion is:

"*Whereas* it is provided in section 22(1) of the Registration of Clubs Act that the Minister may, subject to affirmative resolution of Parliament make regulations inter alia for prescribing the fees payable upon application for registration of a club:"

It has nothing to do with casinos. But obviously casinos can come in as a club. *[Laughter]* We will take this motion after the Occupational Health and Safety Bill.

Mr. Speaker: Honourable Members, before we get to the motion for the adjournment, there were two matters to be raised by the Member for Tunapuna and we had one by the Member for Arouca North which has gone to Thursday. Do I take it that there is agreement that these two will be deferred to Thursday? They would all then be deferred to Thursday. Are we to walk with toothbrushes? Those who do not have teeth will gnash their gums.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 9.12 p.m.